
Roanoke County Administration Center
5204 Bernard Drive
Roanoke, Virginia 24018

The Board of Supervisors of Roanoke County, Virginia met this day at the Roanoke County Administration Center, this being the second Tuesday and the first regularly scheduled meeting of the month of September 2011. Audio and video recordings of this meeting will be held on file for a minimum of five (5) years in the office of the Clerk to the Board of Supervisors.

IN RE: CALL TO ORDER

Chairman Church called the meeting to order at 2:00 p.m. The roll call was taken.

MEMBERS PRESENT: Chairman Joseph B. "Butch" Church; Supervisors Michael W. Altizer, Eddie "Ed" Elswick, Charlotte A. Moore and Richard C. Flora

MEMBERS ABSENT: None

STAFF PRESENT: B. Clayton Goodman III, County Administrator; Diane D. Hyatt, Assistant County Administrator; Paul M. Mahoney, County Attorney; Teresa H. Hall, Director of Public Information and Deborah C. Jacks, Clerk to the Board

IN RE: OPENING CEREMONIES

The invocation was given by Executive Pastor Hal Worrell from the Church of the Holy Spirit. The Pledge of Allegiance was recited by all present.

IN RE: PROCLAMATIONS, RESOLUTIONS, RECOGNITIONS AND AWARDS

- 1. Recognition of Roanoke County receiving the Virginia Association of Counties (VACo) 2011 Achievement Award for Communications (Teresa Hamilton Hall, Director of Public Information)**

Beau Blevins, VACo Government Relations Liaison presented the award to Chairman Church; Teresa Hall, Director of Public Information; Gray Craig, Web Content Manager and Penny Lloyd, Marketing and information Manager. Mr. Blevins recognized the Public Information Office for the recent VACO video workshop day. All

supervisors congratulated the Public Information Office on this award. Mr. Altizer thanked Mr. Blevins for attending today's meeting.

2. Proclamation declaring the month of September 2011 as the eighth (8th) annual National Preparedness Month in the County of Roanoke (Bill Hunter, Assistant Director of Communications and Information Technology)

Chairman Church presented the proclamation to Bill Hunter. In attendance for this proclamation was: Bill Greeves, Director of Information Technology; Joey Stump, Division Chief; Roy Davis, Lead Communications Officer; Bill Hunter, Assistant Director of Communications and Paige DeSilvey, Communications Officer III. All supervisors thanked the group for the great job that they do.

IN RE: NEW BUSINESS

1. Resolution expressing support for the Roanoke Valley/Blue Ridge Parkway Trail Plan Environmental Assessment with modifications and authorizing the submittal of this resolution to the National Park Service (Lindsay Blankenship, Greenway Planner)

Lindsay Blankenship outlined the request and the changes that were to be made. She explained this has been a ten-year process. She advised Liz Belcher, Roanoke Valley Greenway Coordinator was in attendance to answer any questions.

Supervisor Altizer commented one thing to keep in mind is to help the Parkway. He explained he had met with Phil Francis and a lot of people do not understand the biggest problem with the Parkway is poaching. He advised everyone needs to be good caretakers. In addition, he asked if anyone saw any poaching to please report, similar to a neighborhood watch.

Supervisor Elswick added he agreed with Mr. Altizer, unfortunately, the nearest ranger is in North Carolina and therefore would like to see a local reaction. He then asked if the funds were budgeted with Ms. Blankenship explaining this will be done with volunteers or donations.

RESOLUTION 091311-1 EXPRESSING SUPPORT FOR THE ROANOKE VALLEY/BLUE RIDGE PARKWAY TRAIL PLAN ENVIRONMENTAL ASSESSMENT WITH MODIFICATIONS AND AUTHORIZING THE SUBMITTAL OF THIS RESOLUTION TO THE NATIONAL PARK SERVICE

WHEREAS, the National Park Service (NPS) has prepared an Environmental Assessment (EA) for the Roanoke Valley/Blue Ridge Parkway Trail Plan in accordance

with the National Environmental Policy Act (NEPA) and has released the EA for public review; and

WHEREAS, the NPS held a public forum on this EA on September 1, 2011, at the Explore Park Visitor Center and is currently accepting public comments; and

WHEREAS, the intent of this EA is to determine whether development of an integrated trail system to provide critical linkages between the Roanoke Valley trail system and the Blue Ridge Parkway, between Stewarts Knob (Milepost 110.6) and Masons Knob (Milepost 126.2), is appropriate after consideration of such projects impact; and

WHEREAS, the action alternatives proposed by the NPS may provide an enhanced range of trail opportunities to the public and provide the Parkway with assistance in maintenance and rehabilitation for the Roanoke Valley Greenway Commission and associated trail supporters; and

WHEREAS, Roanoke County staff supports many of the proposed enhancements set forth in the EA Trail Plan alternatives but has concerns with certain recommendations in the NPS preferred alternative, which concerns are shared by the City of Roanoke and the Roanoke Valley Greenway Commission; and

WHEREAS, Roanoke County wishes to express its support of the NPS preferred alternative, "Alternative C" of the EA/Trail Plan with the inclusion of certain modifications.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Supervisors of Roanoke County, Virginia, as follows:

1. That the Board of Supervisors of Roanoke County, Virginia, expresses its support for Alternative "C" of the Environmental Assessment for the Roanoke Valley/Blue Ridge Parkway Trail Plan with the following modifications:

- a. Provide extension of the Roanoke River Greenway along the Roanoke River from the Parkway to Explore Park; exact route to be determined upon coordination with the National Park Service/Blue Ridge Parkway, the Roanoke Valley Resource Authority (RVRA), Explore Park/Virginia Recreational Facilities Authority and Roanoke County;
- b. Include a one-year pilot project to evaluate shared use of the Chestnut Ridge Loop for hikers, equestrians and mountain bikers;
- c. That unauthorized social trails providing public access to roads shall remain open until such time that resources are available to provide alternative access points for the citizens of the Roanoke Valley; further, that prior to the closure of Deer Trail, an unauthorized social trail, a paved connection for bicyclists be constructed through the ranger station and that hikers be permitted to continue use of the Deer Trail connection from Mountain View Road to the horse trail;
- d. Include a trail crossing (bridge) of the Roanoke River;
- e. Consider parking accommodations for horse trailers at Highland Road; and

-
-
- f. Explore additional options for access and crossings at Rutrough Road due to the limited sight distances at current locations shown on maps.
2. That the County Administrator is hereby authorized to make a formal submittal to the National Park Service (NPS) on behalf of Roanoke County in accordance with the terms of this Resolution upon such form as shall be approved by the County Attorney.
3. That this Resolution shall become effective from and after September 13, 2011.
- On motion of Supervisor Altizer to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church
NAYS: None

2. Resolution approving Public Access Trail Agreement with Hollins University – portion of the Tinker Creek Greenway (I-81 to Carvins Cove), Hollins Magisterial District (Pete Haislip, Director of Parks, Recreation and Tourism; Lindsay Blankenship, Greenway Planner)

Mr. Haislip introduced Kerry J. Edmonds, Vice President for Finance at Administration at Hollins University; Jim Douthat, Attorney for Hollins University; Joe Obenshain, Senior Assistant County Attorney; Liz Belcher, Roanoke Valley Greenway Coordinator and Pete Haislip, Director of Parks, Recreation and Tourism. Mr. Haislip outlined the agreement and the work that has been done to date. Former employees Doug Chittum and Janet Schied were recognized for their prior work on this agreement. It was explained there were forty (40) miles of trails through Carvins Cove. It was noted this was a regional cooperation, there were no capital funds and a group of volunteers all set to move forward with the Hollins students. Ms. Edmonds advised that she appreciated the opportunity to show the support from Hollins and thanked the Board for their support.

Supervisor Flora inquired if the agreement is revocable with Ms. Blankenship advising yes, but there is no alternative. Joe Obenshain explained Hollins wants to keep the trail in place or relocate if necessary. Supervisor Flora stated he understands Hollins point of view, however, he is concerned about the County's "sweat equity" and wants to make sure Roanoke County is not caught "flatfooted" at some future date. Mr. Haislip explained the site was selected based on the placement in cooperation with Hollins. Ms. Edmonds explained Hollins would not be developing that particular part of the university. Supervisor Moore thanked everyone for working so hard on this item. Supervisor Elswick advised it was great to see the project in cooperation with Hollins and felt it would be a great asset to the university.

RESOLUTION 091311-2 APPROVING PUBLIC ACCESS TRAIL AGREEMENT WITH HOLLINS UNIVERSITY – PORTION OF THE

**TINKER CREEK GREENWAY (I-81 TO CARVINS COVE),
HOLLINS MAGISTERIAL DISTRICT**

WHEREAS, the 2007 Roanoke Valley Conceptual Greenway Plan proposes a Tinker Creek Greenway Trail to connect the Roanoke River Greenway and the Carvins Cove Natural Reserve, shown as Trail # 34, through a portion of the Hollins University campus and its adjoining property; and

WHEREAS, Hollins University owns a substantial parcel of property adjoining the north side of US Interstate Route 81 (I-81) located in both Roanoke and Botetourt Counties which can provide the major length of public trail access from the northern end of Plantation Road to the Carvins Cove Natural Reserve; and

WHEREAS, Roanoke County staff and Hollins University staff, with the support and assistance of the Roanoke Valley Greenway Commission, have over several years negotiated a mutually acceptable agreement to provide for the construction of a public access trail and parking lot across the property of Hollins University to connect with previously agreed upon trail access over privately owned parcels to connect to the Carvins Cove Natural Reserve; and

WHEREAS, Hollins University has agreed to permit the construction across its property of a natural surface trail similar to the Appalachian Trail (AT) approximately three-quarter ($\frac{3}{4}$) mile in length for the use of hikers, runners, walkers, mountain bikers and equestrians but prohibiting motorized vehicles with access from a parking lot to be constructed on Hollins University property; and

WHEREAS, the City of Roanoke and Botetourt County officials have been contacted and have expressed support concerning issues of access, maintenance and public safety response along the proposed trail length; and

WHEREAS, the 2007 Comprehensive Parks Master Plan of the Department of Parks, Recreation and Tourism strongly support the extension of Greenway Trails in Roanoke County.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Supervisors of Roanoke County, Virginia, as follows:

2. That the negotiated Agreement between Hollins University and Roanoke County for a public access trail over property made available by Hollins University for a portion of the Tinker Creek Greenway to provide access from Plantation Road to Carvins Cove Natural Reserve, as shown on Exhibit "A" of the accompanying Board Report, located in Roanoke and Botetourt Counties, Virginia, is hereby approved.

3. That no capital improvement public funds shall be expended in the construction of this public access trail and parking lot.

3. That the County Administrator is hereby authorized to execute such agreement on behalf of Roanoke County upon such form as shall be approved by the County Attorney.

4. That this Resolution and the Agreement shall become effective from and after September 13, 2011.

On motion of Supervisor Flora to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church
NAYS: None

3. Request to appropriate \$17,225 to repair the retaining wall at the Vinton Library (Diane D. Hyatt, Assistant County Administrator)

A-091311-1

Ms. Hyatt explained the request. Supervisor Altizer inquired if County staff can do the repairs with Ms. Hyatt explaining that staff has reviewed and determined it must be done by an outside contractor. County Administrator Goodman explained staff was working on two stormwater projects and other commitments.

On motion of Supervisor Altizer to approve the staff recommendation, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church
NAYS: None

IN RE: FIRST READING OF ORDINANCES

1. Bent Mountain Elementary School lease (B. Clayton Goodman III, County Administrator)

Mr. Goodman explained the request and asked the Board to move forward with the Bent Mountain School and leases with the School Board and a third-party as outlined in the next agenda item. He advised staff has been working since November; there may be minor changes, but wants to move forward. He further detailed this would be a partnership with the Bent Mountain citizens. If the funds are not raised, the site will have to close.

Supervisor Flora inquired if an agreement has been reached with the School Board with Mr. Goodman explaining he anticipates to have completed by the second reading. Supervisor Elswick moved to approve the first reading and public hearing for September 27, 2011. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church
NAYS: None

2. Proposed lease with Bent Mountain Center Nonprofit Group (B. Clayton Goodman III, County Administrator)

Mr. Goodman explained the request and asked the Board to approve the lease with the Bent Mountain Center Nonprofit Group. Supervisor Flora inquired if he understood that the Board is being asked to take action to lease property that the Board does not own and has no control over. He further stated if the Board does not have an agreement with the School Board; it seemed to him that “we are getting the cart before the horse.” Mr. Goodman explained that he was trying to move this item forward. Next, Supervisor Flora inquired if the \$32,000 that was being spent is the total amount that is being expended, including maintenance, upkeep and preparation for making it fit to be used. Mr. Goodman explained that is the budget amount; \$27,000 for operation and approximately \$5,000 for some improvements that need to be made; fire doors, fire alarm system, and other minor items. Supervisor Flora then asked for how long with Mr. Goodman responding one year. Supervisor Flora then asked what would happen if there was a catastrophic event up there. Mr. Goodman explained if there is a catastrophic event as in the lease, the County has the right not to make the improvements and any repairs would be subject to appropriation.

Chairman Church inquired of Mr. Mahoney should the Board approve first reading on item two (2), if there would be any legal binding agreement if something were to go wrong with negotiations with the School Board. Mr. Mahoney explained that he feels the County Administrator has made it clear these two (2) actions are moving forward in parallel, but that both are subject to successfully completing negotiations with the School Board and with the Community group. He stated it is his opinion that Mr. Goodman is attempting to obtain concurrence of the Board at first reading with the idea that both of these agenda items are moving in tandem and any issues can be resolved in the next two (2) weeks or before a second reading. This is consistent with past history where the Board has given its “nod of approval” at first reading. Staff would like to know that the Board is comfortable with this approach in these two ordinances. Chairman Church stated he concurred.

Supervisor Altizer inquired if the citizens group obtained the 501(c) designation with Mr. Goodman explained to his knowledge that as of today they are still in the process of filing.

Supervisor Elswick outlined the need for a community center and the efforts involved in establishing this as a community center. Supervisor Elswick stated he felt that this would be an attractive alternate to Roanoke County and feels confident they can keep this on an ongoing basis. Supervisor Elswick moved to approve the first reading and public hearing for September 27, 2011. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church
NAYS: None

3. Ordinance amending Section 23-3.4. "Stormwater management facility maintenance agreements" of Chapter 23. "Stormwater Management" of the Roanoke County Code (Paul M. Mahoney, County Attorney)

Mr. Mahoney outlined the ordinance; advising the first order would be to provide for a maintenance bond from a developer with respect to a stormwater facility in a residential subdivision. He explained Roanoke County has bonds for other aspects but does not have for maintenance. The need for this bond was explained by advising that staff has found some situations whereby the developer would construct the pond in year one, but the developer has not sold all the lots and five (5) to fifteen (15) years may elapse between when the developer gets the approval of that subdivision development and the developer sells all the lots. It is only at the end of that process, that the developer would then turn over to a homeowners association the responsibility to maintain the pond. He advised staff has found in some situations, the developer is not maintaining the pond and waits five (5) years or more before he turns over to the homeowners association (HOA) and the association has only technical notice there is an obligation to maintain the pond, as they were informed at closing there was an obligation to maintain the pond. This ordinance would require a maintenance bond and before the developer turns the property over to the homeowners, the County would do an inspection and if it meets all requirements, then the developer would be required to give notice to all the people that live in the development that this pond will be turned over for maintenance and the County would release the bond and seek affirmation from the homeowners that they are ready to take the responsibility. Mr. Mahoney explained that the second reading may need to be delayed to enable Mr. Covey and himself meet with the local homebuilders association and development community to explain these new obligations to them.

Supervisor Flora stated this seems to be a fairly common theme throughout the County and the homeowners associations are getting burned by being forced to take over maintenance of stormwater management facilities that are inadequately maintained.

Chairman Church inquired of Mr. Mahoney how many stormwater facilities are in the County with Mr. Mahoney responding there are approximately 590 stormwater ponds of which approximately sixty percent (60%) are residential and the remainder are commercial ponds, which seem to be better maintained.

Supervisor Altizer stated he felt that the County will have a "big hammer" to use when the developer comes in with a development.

Supervisor Moore stated she was in agreement this action is overdue. She asked once the developer turns the pond over to the HOA will the County assist the HOA in determining how much should be assessed for future maintenance. Mr. Mahoney advised he is currently working on and expects by early February 2012 to

report back to the Board. Many of the citizens have expressed to him in Civic League meetings they are willing to take on the responsibility, but do not have the knowledge, equipment, etc. and will be looking to the County for assistance. Mr. Mahoney advised he does not know if the County can handle with the current staff.

Supervisor Elswick stated he thinks that the HOA does not have the capabilities and they should hire someone to do so. He inquired how does the pond become deficient? Mr. Mahoney responded inspections are done in year one, but would not necessarily go back to inspect again. Supervisor Elswick asked if staff should be thinking about establishing a procedure with Mr. Mahoney explaining yes, but unfortunately it has become a balancing act because out of the 590 some ponds only looked at one third. Mr. Elswick inquired if flooding has occurred because of the inadequacy of the ponds with Mr. Mahoney responding in the affirmative.

Chairman Church moved approval of the first reading and scheduled the second reading for September 27, 2011. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church
NAYS: None

4. Ordinance amending Section 5-33. "Disposal of dead companion animal" of Chapter 5. "Animals and Fowl" of the Roanoke County Code (Paul M. Mahoney, County Attorney)

Mr. Mahoney explained the need for this ordinance to try to address a small segment of our community. He advised this was requested by the animal control officer who has been receiving numerous complaints. Supervisor Moore moved approval of the first reading and scheduled the second reading for September 27, 2001. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church
NAYS: None

Supervisor Elswick commented during his vote that something should be put into the ordinance if the dead animal is not "bothering" anybody it should be okay.

5. Ordinance amending Section 21-73. "General Prerequisites to Grant" of Chapter 21. "Taxation" of the Roanoke County Code (Paul M. Mahoney, County Attorney)

Mr. Mahoney explained the need for this ordinance with regard to definitions relating to income and net worth with regard to the elderly and handicapped and detailed this is a housekeeping amendment to bring the County code into

conformance with the State enabling legislation and was requested by the Commissioner of the Revenue

Supervisor Altizer commented he knows within the County ordinance as far as elderly and disabled people the County will go and pick their garbage up and there is a qualifier in there that says that if they have someone that is living there and is capable of doing it the County will not. He explained if a person qualifies for this and has someone that is coming in and staying there, but has a legal address somewhere else, is that sufficient to say they are not a bonafide resident for purposes of this? Mr. Mahoney advised he did not know the answer to the question and would get with the Commissioner and advise the Board of the answer. Supervisor Altizer advised he wanted to make sure that the Board was not adopting something that is knocking someone out of this exemption.

Supervisor Altizer moved to approve the first reading and scheduled the second reading for September 27, 2011. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church
NAYS: None

6. Ordinance authorizing the granting of a ten (10) foot utility easement to Verizon Virginia Inc. on property owned by the Roanoke County Board of Supervisors (Tax Map No. 097.05-01-26.00) for the purpose of an underground communication system to the new South County Library, Cave Spring Magisterial District (Joseph B. Obenshain, Senior Assistant County Attorney)

Ms. Hyatt explained the ordinance and explained this easement would follow the same track as the one awarded to Appalachian Power (AEP), which the Board had previously approved.

Supervisor Moore moved to approve the first reading and scheduled the second reading for September 27, 2011. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church
NAYS: None

IN RE: PUBLIC HEARING AND SECOND READING OF ORDINANCES

1. Ordinance to accept the conveyance of thirteen (13) parcels of unimproved real estate for the extension of Alcoa Road to the

Board of Supervisors and to authorize the addition thereof to the State Secondary System of Highways, Vinton Magisterial District (Arnold Covey, Director of Community Development)

Mr. Covey explained there were no changes from the first reading on August 23, 2011. Chairman Church open and closed the public hearing. There were no citizens to speak on this ordinance. There was no discussion.

ORDINANCE 091311-4 TO ACCEPT THE CONVEYANCE OF THIRTEEN (13) PARCELS OF UNIMPROVED REAL ESTATE FOR THE EXTENSION OF ALCOA ROAD TO THE BOARD OF SUPERVISORS AND TO AUTHORIZE THE ADDITION THEREOF TO THE STATE SECONDARY SYSTEM OF HIGHWAYS, VINTON MAGISTERIAL DISTRICT

WHEREAS, as part of the acceptance of Alcoa Road as part of a Roanoke County's Rural Addition project funded in partnership with the Virginia Department of Transportation (VDOT), thirteen (13) adjacent land owners desired to donate portions of their property in fee simple to Roanoke for right-of-way purposes and drainage easements to improve roadway and construct a cul-de-sac at the terminus of Alcoa Road; and

WHEREAS, Terence L. and Angelia Ann Kelley; Lillian R. Conner; James Adams and David Adams; Dean H. and Zola Mea Rorrer; Robert J. Wilhelm and Teresa J. Kessler; David Sink; Effie Marie Simmons; Joe D. and Velma H. Moore; Jeanette M. Baldwin; Kaye M. Garland have freely and voluntarily entered into deeds to the Board of Supervisors of the County of Roanoke, Virginia, to thus allow the Board of Supervisors to obtain ownership of each property for purposes of road construction upon approval of this ordinance and recordation of a deed; and

WHEREAS, Section 18.04 of the Roanoke County Charter directs that the acquisition and conveyance of real estate interests to the County of Roanoke be accomplished by ordinance; the first reading of this ordinance was held on August 23, 2011, and the second reading and public hearing was held on September 13, 2011.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Roanoke County, Virginia, as follows:

1. That the acquisition from Terence L. and Angelia Ann Kelley of approximately 0.0931 acre of real estate for purposes of location and construction of Alcoa Road as shown on a plat entitled "Plat showing right-of-way being conveyed to Board of Supervisors, Roanoke County by TERENCE L. AND ANGELIA ANN KELLEY Roanoke County Tax Map Parcel #79.03-05-73.00 situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia" dated June 6, 2011, is hereby authorized and approved.

2. That the acquisition from Lillian R. Conner of approximately 0.0422 acre of real estate for purposes of location and improvements of Alcoa Road, as shown on a plat entitled "Plat showing right-of-way being conveyed to Board of Supervisors, Roanoke County by LILLIAN R. CONNER Roanoke county tax map parcel #79.03-05-72.00 situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia" dated June 6, 2011, is hereby authorized and approved.

3. That the acquisition from James Adams and David Adams of approximately 0.0634 acre of real estate for purposes of location and construction of Alcoa Road, as shown on a plat entitled "Plat showing right-of-way being conveyed to Board of Supervisors, Roanoke County by JAMES ADAMS AND DAVID ADAMS Roanoke County Tax Map Parcel #79.03-05-71.00 situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia" dated June 6, 2011, is hereby authorized and approved.

4. That the acquisition from Dean H. and Zola M. Rorrer of approximately 0.1092 acre of real estate for purposes of location and construction of Alcoa Road, as shown on a plat entitled "Plat showing right-of-way being conveyed to Board of Supervisors, Roanoke County by DEAN H. AND ZOLA M. RORRER Roanoke County Tax Map Parcel #79.03-05-70.00 situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia" dated June 6, 2011, is hereby authorized and approved.

5. That the acquisition from Robert J. Wilhelm and Teresa J. Kessler of approximately 0.0070 acre of real estate for purposes of location and construction of Alcoa Road, as shown on a plat entitled "Plat showing right-of-way being conveyed to Board of Supervisors, Roanoke County by ROBERT J. WILHELM AND TERESA J. KESSLER Roanoke County Tax Map Parcel #79.03-05-69.00 situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia" dated June 6, 2011, is hereby authorized and approved.

6. That the acquisition from David L. Sink of approximately 0.0694 acre of real estate for purposes of location and construction of Alcoa Road, as shown on a plat entitled "Plat showing right-of-way being conveyed to Board of Supervisors, Roanoke County by DAVID L. SINK Roanoke County Tax Map Parcel #79.03-05-68.01 situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia" dated June 6, 2011, is hereby authorized and approved.

7. That the acquisition from Effie M. Simmons of approximately 0.0233 acre of real estate for purposes of location and construction of Alcoa Road, as shown on a plat entitled "Plat showing right-of-way being conveyed to Board of Supervisors, Roanoke County by EFFIE MARIE SIMMONS Roanoke County Tax Map Parcel #79.03-05-67.00 situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia" dated June 6, 2011, is hereby authorized and approved.

8. That the acquisition from Effie M. Simmons of approximately 0.0787 acre of real estate for purposes of drainage easement, as shown on a plat entitled "Plat showing drainage easement being conveyed to Board of Supervisors, Roanoke County by EFFIE MARIE SIMMONS Roanoke County Tax Map Parcel #79.03-05-67.00

situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia" dated June 6, 2011, is hereby authorized and approved.

9. That the acquisition from Dean H. and Zola M. Rorrer of approximately 0.0047 acre of real estate for purposes of location and construction of Alcoa Road, as shown on a plat entitled "Plat showing right-of-way being conveyed to Board of Supervisors, Roanoke County by DEAN H. AND ZOLA M. RORRER Roanoke County Tax Map Parcel #79.03-05-67.01 situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia" dated June 6, 2011, is hereby authorized and approved.

10. That the acquisition from Dean H. and Zola M. Rorrer of approximately 0.1069 acre of real estate for purposes of drainage easement, as shown on a plat entitled "Plat showing drainage easement being conveyed to Board of Supervisors, Roanoke County by DEAN H. AND ZOLA M. RORRER Roanoke County Tax Map Parcel #79.03-05-67.01 situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia" dated June 6, 2011, is hereby authorized and approved.

11. That the acquisition from Dean H. and Zola M. Rorrer of approximately 0.0047 acre of real estate for purposes of location and construction of Alcoa Road, as shown on a plat entitled "Plat showing right-of-way being conveyed to Board of Supervisors, Roanoke County by DEAN H. AND ZOLA M. RORRER Roanoke County Tax Map Parcel #79.03-05-66.00 situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia" dated June 6, 2011, is hereby authorized and approved.

12. That the acquisition from Dean H. and Zola M. Rorrer of approximately 0.0052 acre of real estate for purposes of location and construction of Alcoa Road, as shown on a plat entitled "Plat showing right-of-way being conveyed to Board of Supervisors, Roanoke County by DEAN H. AND ZOLA M. RORRER Roanoke County Tax Map Parcel #79.03-05-65.00 situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia" dated June 6, 2011, is hereby authorized and approved.

13. That the acquisition from Joe D. and Velma H. Moore of approximately 0.0107 acre of real estate for purposes of location and construction of Alcoa Road, as shown on a plat entitled "Plat showing right-of-way being conveyed to Board of Supervisors, Roanoke County by JOE D. AND VELMA H. MOORE Roanoke County Tax Map Parcel #79.03-05-64.00 situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia" dated June 6, 2011, is hereby authorized and approved.

14. That the acquisition from Joe D. and Velma H. Moore of approximately 0.1084 acre of real estate for purposes of drainage easement, as shown on a plat entitled "Plat showing drainage easement being conveyed to Board of Supervisors, Roanoke County by JOE D. AND VELMA H. MOORE Roanoke County Tax Map Parcel #79.03-05-64.00 situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia" dated June 6, 2011, is hereby authorized and approved.

15. That the acquisition from Kaye M. Garland of approximately 0.0120 acre of real estate for purposes of location and construction of Alcoa Road, as shown on a plat entitled "Plat showing right-of-way being conveyed to Board of Supervisors, Roanoke County by Kaye M. GARLAND Roanoke County Tax Map Parcel #79.03-05-

63.00 situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia” dated June 6, 2011, is hereby authorized and approved.

16. That the acquisition from Jeanette M. Baldwin of approximately 0.0137 acre of real estate for purposes of location and construction of Alcoa Road, as shown on a plat entitled “Plat showing right-of-way being conveyed to Board of Supervisors, Roanoke County by JEANETTE M. BALDWIN Roanoke County Tax Map Parcel #79.03-05-62.00 situated along Alcoa Road, Vinton Magisterial District, Roanoke County, Virginia” dated June 6, 2011, is hereby authorized and approved.

17. That the addition and improvement of Alcoa Road to the Secondary System of State Highways of the Commonwealth of Virginia is hereby proposed upon the conveyance and recordation of the deeds from the above described land owners to the Board of Supervisors of Roanoke County, Virginia. The Board approved and adopted a resolution requesting that this street be added to the secondary road system of the state highways under the Rural Road Addition program.

18. That the County Administrator or Assistant County Administrator are hereby authorized to execute such documents and take such actions on behalf of Roanoke County in this matter as are necessary to accomplish the acquisition of this real estate, all of which shall be approved as to form by the County Attorney.

On motion of Supervisor Altizer to adopt the ordinance, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church
NAYS: None

IN RE: APPOINTMENTS

Supervisor Flora has reappointed Becky Walter to an additional one-year term, which will expire on August 31, 2012. Confirmation was placed on the consent agenda.

IN RE: CONSENT AGENDA

**RESOLUTION 091311-5 APPROVING AND CONCURRING IN
CERTAIN ITEMS SET FORTH ON THE BOARD OF
SUPERVISORS AGENDA FOR THIS DATE DESIGNATED AS
ITEM H- CONSENT AGENDA**

BE IT RESOLVED by the Board of Supervisors of Roanoke County, Virginia, as follows:

That the certain section of the agenda of the Board of Supervisors for September 13, 2011, designated as Item H-Consent Agenda be, and hereby is, approved and concurred in as to each item separately set forth in said section designated Items 1 through 3 inclusive, as follows:

1. Request to accept and appropriate funds in the amount of \$71,050 to the Roanoke County Public Schools
2. Request to accept and appropriate funds in the amount of \$21,738 to the Sheriff's Office from Federal Grant - 2011-DJ-BX-2078, approved by the Department of Justice, Bureau of Justice Assistance
3. Resolution accepting thirteen (13) parcels of Alcoa Road, Vinton Magisterial District, into the Virginia Department of Transportation Secondary Road System
4. Confirmation of appointment to the Capital Improvement Program Review Committee (appointed by District)

On motion of Supervisor Church to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

A-091311-5.a

A-091211-5.b

A-091311-5.c

A-091311-5.d

IN RE: CITIZENS' COMMENTS AND COMMUNICATIONS

Mr. Eldon Karr of 8011 Poor Mountain Road in Bent Mountain stated Supervisor Flora commented at the last work session held to consider the proposed Industrial Scale Wind Turbine Amendment, that he considered it the responsibility of the Board of Supervisors to determine the "highest and best use" of land in Roanoke County. The appeal of Mr. Flora's statement is in its simplicity and clarity of understanding the importance of allowing for beneficial uses of Roanoke County lands. Yet, today, the Board is in session, with no evidence on record of an unbiased methodical, scientifically-supported, process to substantiate industrial scale wind turbines as a worthy land use that justifies the sacrifice of our most sacred lands: the Blue Ridge of Virginia. In fact, the only benefit that will be negotiated by Roanoke County is additional tax revenue. The County has labored through a long period of time -over two years, according to staff - engaged in a process that has resulted in an amendment that establishes as design standards, minimums that even proponents of the wind industry have declared should be more restrictive. If you feel one half a mile from a residence is appropriate that should be a one half a mile from the property line

and as the Board has chosen a special use permit process that can be modified during the special use permit process just as easily as it can be modified to increase that setback. County staff continues to advise the Board to rush to get something on the books to enable the Board to protect the citizenry. He asked the Board to question, why? On a fundamental level, if staff cannot even document this as a good land use, then why have an ordinance that provides the keys to the Blue Ridge to the wind industry? Please question: Why, after countless hours of crafting this ordinance and repeated scrutiny by the County Attorney, Planning staff, the Planning Commission and the Board, why does this proposal still contain such financially irresponsible protections to insure acceptable decommissioning? And finally ask yourselves why has the process resulted in an amendment that indeed places your constituency at even greater risk than no amendment at all? Has the process itself paralyzed you from acting in the best interests of the entire County and Region? Please consider "sharpening" the amendment instead of "dummying" it down by giving the proposed land use the study the attention it deserves.

Ed Kinder of Fortune Ridge Road in Bent Mountain stated he feels the ordinance for large utility wind energy systems still needs work. He stated he hopes the Board has noticed that most of us that have spoken AGAINST industrial development of our Roanoke County ridge tops live in the rural communities. ALL WE WANT is to preserve our way of life, without interruptions of noise, habitat destruction, water degradation, and decreased property values. He stated he also hopes the Board has noticed the proponents for ridge top developments are in most cases those people who DO NOT LIVE in our rural communities, and who DO NOT STAND to be adversely affected, as well as those who have been MISTAKENLY been led to believe these are green projects. At the last board meeting, he advised he is sure the Board noticed the number of proponents recommending decreasing the citing from one half mile. Not a single one of those would be affected by that, but MANY of my neighbors would. Also he stated he wonders if there is not some monetary reward for some of these proponents. The next thing he wants to address is the noise level of 60 decibels. At three meetings he has attended, some local medical personnel have poopooed the evidence of disease due to environmental noise, yet not one of those has talked about working with a single patient suffering from ill affects due to noise. So, who are you going to believe? How about NASA or the World Health Organization (WHO)? As an example, in a 2011 publication from the WHO entitled "Burden of Disease from Environmental Noise", (the Table of Contents which have been left for the Board), there is a table about the ranges for the relationship between nocturnal noise exposure and health effects. Noise levels are broken into ranges; greater than 55, the situation is increasingly dangerous for human health. Adverse health effects occur frequently and a sizeable proportion of the population is highly annoyed and sleep disturbed. This whole document is online and it mentions that the target audience for this publication is primarily policy makers, like the Board. It brings together evidence-based information on health effects of environmental noise. If you read this document and you have to believe

those that are into this for personal gain or fame. Earlier Supervisor Altizer referenced being the neighborhood watch for the Parkway. We need the same protection for our pets, animals and our habitats on our ridge tops here in Roanoke County, which in many cases are more unique than those along the Parkway. The rural communities throughout Roanoke County need their supervisors to protect their interests. Preferably, keep development off our ridges. Should anything have to be built, set a size limit, keep turbines at least a mile from the nearest home, and make sure there are enough restrictions in place that Roanoke County's rural citizens may continue living as they have.

Diana Christopolis of 907 Greenbrier Court in Salem, Virginia is representing the Cool Cities Coalition., including some residents of Bent Mountain who are unable to be here today because they have jobs. Retired people like herself are able to attend meetings like this. Just a couple of comments. The World Health Organization study of 2009 that Mr. Kinser just referenced looks at all noise sources and if you look at the tables and graphs in it you will find that the primary sources of noise were road noise and industrial wind turbines were a very small part of it. So whatever noise requirements you placed on wind turbines we would ask they be the same kind of ordinance that applies on other noise, such as residential or small wind. The second thing that she wanted to briefly address is the use of property. There is a wonderful study that was done and prepared for the U. S. Department of Energy, Efficiency and Renewable Energy with researchers from the Lawrence-Berkley National Lab, San Diego State University and Bard College called the Impact of Wind Power Projects on residential property values. They looked at 7,500 sales of single-family homes and they compared sales of homes before and after construction that had a view of wind turbines and did not have a view of wind turbines. They used a methodology called Hedonic Method and that is when you hear what is the value used to put a new bathroom in your house, a new kitchen, you are able to isolate different factors that would either help or hurt property values. If somebody looked at this in ten (10) states, fourteen (14) counties and twenty-six (26) different land projects and they studied it for six (6) years so they had pre and post construction. The major conclusion was "neither the view of the wind facilities nor the distance of the homes of these facilities is found to have any consistent measurable and statistically significant effect on home sale prices." In fact, the only really interesting thing was that homes that were less than a mile from a wind farm went down slightly in value before the construction but after the announcement of the wind farm, for reasons that are probably obvious to everybody in this room, after the completion of the project those same homes actually rose in value from what they had been prior to the construction and rose more rapidly than homes that were one mile further away. They looked at homes from everything from 800 feet to ten (10) miles from the project. This is really the gold standard, these ten different models to look at what the impacts were. So we looked at the values and what the impact is, she would say wind farms have proven they are as good a neighbor as any other use.

Nell Boyle of 6516 Henry Farms Road stated she is here today to speak about RCCLEAR. They have been the group that has been supporting the ICLEI initiative. It is a citizen volunteer group and as everyone knows have been appointed by the Board to do their work. They have been working for the last two (2) years together to come up with ways to talk to the community about conservation of our natural resources and she knows there has been a lot of discussion and some pressure to review this commitment to ICLEI. She stated she would like to say to the Board today is they do not see this as a political statement. Some of the information that she has heard does not really accurately reflect their engagement with ICLEI. What they are getting from ICLEI are tools and resources and a plan with measurable outcome and we find it very valuable. So she is here today to ask the Board to continue to support them and thank you for your support in the past and hope the Board will support in the future.

Ron Keith Adkins at 3057 Timberlane Avenue in Cave Spring is here to speak briefly about the wind farm ordinance. He is concerned and he was here briefly the other night when there was over sixty (60) people that spoke and ladies and gentlemen he wants to say to all that he thinks and he implores the Board to reconsider voting tonight on this and maybe possibly tabling the wind farm ordinance so that there can be some more study done on it because he thinks what we are hearing and what the Board is hearing is just the tip of the iceberg of the concerned tax-paying citizens of Roanoke County about what is going to happen. Also, there are some other concerns. Whatever the Board passes and whenever it is passed, he is not for or against this more or less. He knows that the County needs an ordinance to protect the citizens of the County; that is not in question. What he is concerned about is if we have a good ordinance or a bad ordinance and he thinks the Board really truly needs to put more study into this and listen to more of what citizens have to offer. Number one and he stated he is going back years ago when he was in the insurance business for over ten years he wrote reclamation bonds for the coal industry in southwestern Virginia. There are good reclamation bonds and there are bad reclamation bonds and what is needed (if and when this comes to pass) is a bond that will make sure that each one of those 457 foot wind towers there is enough money there when you are dealing with an limited liability corporation out of Chicago or wherever that there is money there that we can have so the citizens of Roanoke County will not be stuck having to take down those large towers because rest assured ladies and gentlemen one day whether it is a year, ten years, twenty years from now, those towers will have to be removed and whether the company that put them up is around or not, the citizens of Roanoke County will certainly be here and have to maybe foot the bill. He stated he is imploring the board to seriously think about this and maybe do it a little slower than it is being done now. There is nothing that he understands has to be done tonight to pass this ordinance one way or another. We certainly do not want to do it with a Nancy Pelosi attitude of we have to pass the bill to find out what is in it, then it is too late. We need to really seriously give this consideration and think about the tax-paying citizens in the long run that is going to have to address this when they do not want to and also the other

members of the Board to come whether you are here five, ten or twenty years from now that might have to deal with this. So, he asked the Board to slow it down a little bit and really truly get a good ordinance that will benefit the citizens of Roanoke County and we can work with this in times to come.

Roberta Bondurant of 11577 Bottom Creek Road has been a resident of Roanoke County for about twenty (20) years. She advised about two weeks ago she asked for a continuance and in some ways she feels that the two week that we have here are insignificant in that what she had hoped for the Board was to give themselves time to consider more seriously the details of these wind turbines. What she would ask is that the Board considers hiring an independent financial analysis to help the Board understand Invenergy's and other wind companies' financial viability; their ability to pay a performance bond in the event that some disaster struck these turbines. Who is left to pay, is anybody able to pay." She asked the Board to consider talking with an independent fire analyst, who is the potential for fire in this site, a 3,000 foot wooded forest. She asked the Board to consider talking with an independent environmental analyst. What are the effects on the flora, the fauna and the water? The people on Bent Mountain live on well water, spring water. Do you understand these are turbines, engines that run on petroleum and certainly on a normal day, there would be effects on the water system? She asked the Board to consult with an independent medical expert to help the Board understand the effects on human health and finally to consult with independent energy analyst to help the Board understand what the process by which industrial wind energy and the ability it has to actually produce power. She also asked the Board to consider again under the coal/wind argument is a non-argument. Wind, even when turned off to mitigate ill effects still runs on coal. She then asked the Board to consult again with Mr. Mahoney and ask the fundamental question. Do we need to deliver a statute today? Do we need to deliver an ordinance? Do we have to write an ordinance? What really happens? We are all assuming that it going to be a terrible thing if Invenergy applies under a utility ordinance. What really happened if another company applied under a utility ordinance? What is the reality that Invenergy is going to apply under a utility ordinance? Again, she is asking the Board to do this work right now because she thinks that the ninety (90) day rocket permitting process is insufficient for the Board to trust. Is the trust that you hold with the surrounding environment; it is insufficient for the Board to put this on DEQ or any other agency before the Board actually has the facts that you ought to have before making this incredibly life-changing decision for this valley and its surroundings? Thank the gulf oil spill; thank the colash debauchle in Tidewater. We cannot rely on other State agencies or otherwise to do our homework for us. Please reconsider it. Please take your time at the juncture.

Janet Schield of 1453 Wolf Creek Drive in Vinton stated she is here this afternoon to speak in support of the County's participation in the local governments of sustainability, otherwise known as ICLEI. This is a worldwide organization dedicated to helping local governments generate public awareness of environmental and sustainability issues. ICLEI is also providing technical assistance to us to help us

achieve our energy reduction goals. When the Board voted in 2007 to become a member of ICLEI the Board did so unanimously and with a commitment to help your citizens deal with skyrocketing energy costs. She stated she feels the need to speak to the Board today as an appointed representative to RCCLEAR, the citizen group that was created by the Board to promote energy conservation and improve the valley's air quality. The task of RCCLEAR is to develop a local action plan to reduce emissions and long-term energy costs by developing strategies for improved energy efficiency and conservation. RCCLEAR will utilize ICLEI software and technical assistance to measure our energy reduction and to determine if we are meeting our goals. At past meetings the Board has heard what are in her opinion unwarranted claims about ICLEI, claims that imply that it is some type of radical, maybe left-wing group. As an outcrop of ICLEI, RCCLEAR is a group of Roanoke County citizens who are appointed by the Board. The reality is that RCCLEAR is a group of volunteers who represent diverse elements of our community who give willingly of their time because they believe energy reduction and energy conservation are important goals. The bottom line is that ICLEI and RCCLEAR are both trying to save people money by showing people how to save energy. She thanked the Board for their support in the past and hope for the Board's continued support for ICLEI and RCCLEAR.

Chairman Church recognized State Senator Ralph Smith and Delegate Greg Habeeb who will be meeting with the Board in work session.

IN RE: REPORTS

Supervisor Flora moved to receive and file the following reports. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church
NAYS: None

- 1. General Fund Unappropriated Balance**
- 2. Capital Reserves**
- 3. Reserve for Board Contingency**

IN RE: CLOSED MEETING

At 4:04 p.m., Supervisor Church moved to go into closed meeting following the work sessions pursuant to the Code of Virginia Section 2.2-3711 A.1. Discussion concerning the appointments to the Grievance Panel; Virginia Western Community College Board and Section 2.2.3711.A.3. Namely acquisition of property for public use as a greenway, where the discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church
NAYS: None

The closed session was held from 6:04 p.m. until 6:22 p.m.

IN RE: WORK SESSIONS

1. Work session on Roanoke County assumption of Secondary Roads (Devolution) (David Holladay, Planning Administrator)

In attendance for this work session were Arnold Covey, Director of Community Development, David Holladay, Planning Administrator; B. Clayton Goodman III, County Administrator; Senator Ralph Smith; Senator John Edwards; Delegate Greg Habeeb; Eldon James, Eldon James and Associates; and Dana Martin, Commonwealth Transportation Board. Mr. Holladay gave a PowerPoint presentation on State Devolution, a copy of which is on file in the Clerk to the Board's office. The work session was held from 4:19 p.m. until 5:37 p.m. Chairman Church welcomed Senator Smith and Delegate Habeeb and advised Senator Edwards would be arriving late.

Supervisor Altizer inquired in trying to get operational budget allocations and some other numbers with Virginia Department of Transportation (VDOT) seeking out counties that actually want to take secondary roads, there is a lot of numbers that cannot be segregated out and no one will provide. Is that correct? In other words, it is hard to make adequate decision because of the way they budget and their line items, it is hard to get a concrete answer out of VDOT as far as what some of their operational numbers. Mr. Holladay responded by stating their operations seemed to be spread among a lot of different road systems and it is harder to pinpoint their operations for secondary roads for Roanoke County, but they did have maintenance and construction numbers.

Supervisor Elswick inquired if within the numbers does it include start-up costs or a transfer of equipment. Mr. Holladay responded start-up costs were included, but equipment would need to be negotiated. He then asked where does VDOT think Roanoke County is going to come up with \$11 million, plus another \$4.6 million without drastic tax increases? He asked the group as a whole why does VDOT think they can dump their responsibilities on Roanoke County? Where are they coming from? Are they next going to ask the County to do the interstates?

Chairman Church then introduced Dana Martin from the Commonwealth Transportation Board and Eldon James, the County's liaison in Richmond.

Mr. James responded that he did not attend the last CTB meeting approximately two months ago, but was told by a local government representative who was there that the reaction was that it was not particularly well received.

Mr. Martin, advised he is attending today's meeting for the purpose of gathering information for future CTB meetings and will refrain from saying anything substantial.

Mr. James advised ever since the George Mason study and every time a transportation conversation comes up in the liaison circles or with "folks down the line", it is something is up, but nobody is answering what. He stated he did not know if there will be a proposal this year. He is hearing several messages. First, "we have to do something, the system is operating on a model that was created from the Byrd Act and times are different, but cannot vote and go home. In some of the other localities, Southern Northern Virginia are just as concerned for exactly the same reasons and have raised these issues to their delegates with the caution that there are three concerns, primarily. First, if this happens there must be a smooth transition. Second is the need to be sure that if local government is taking responsibility, they must have adequate authority to assume that responsibility and that will take a little bit of time to sort out. The third concern is that it comes with a locally contained source of revenue other than real estate tax. The fear there is based on the history of shared expenses with the State and what happens when Richmond gets into a pinch, they have to balance their budget just as the County. What happens if you are depending on a revenue source that gets cut back? Chairman Church stated Roanoke County has nowhere to turn. There is no other option.

Mr. Martin stated speaking as an individual; VDOT does not think that is true. There is no indication that VDOT expects that. Individually, the CBT does not believe it is the logical thing to do, however that does not change the fact that it has to be done.

Delegate Habeeb advised after looking at the numbers and comparing the estimated cost with the allocation deficit slide with Roanoke City, Salem, Vinton and Arlington and Henrico County numbers. It seems that the projected allocation for Roanoke County relative to your overall costs, the ratio is significantly off from what the other jurisdiction ratio has. Why is that and would be glad to clarify. Secondly, the maintenance allocation to Roanoke County is projected as lower than for Salem and he would have assumed that Roanoke County's would be greater than Salem's and is wondering what the calculation is to arrive at those numbers. Mr. Holladay responded by stating he would answer the second one first and ask for a little more clarification. Delegate Habeeb stated the fiscal year 2010 maintenance payment for VDOT to Salem is \$3.3 million, and Roanoke County is \$3.1. Mr. Holladay advised our actual maintenance was lower and included the five percent (5%), but that is straight out of VDOT's budget. Delegate Habeeb responded what he is trying to figure out why and does Salem have more lane miles relative to Roanoke County. Mr. Holladay responded no, Salem is one of the urban systems and they are going to get more per lane mile. Delegate Habeeb then stated so it is not an "apples to apples" comparison. Mr. Holladay responded in the affirmative. Delegate Habeeb then stated so is it not an "apples to apples" comparison as to why the ratio between the payments they received to their total expenditures for those other five jurisdiction is much closer other than Arlington? He further added Roanoke County has a less than fifty percent (50%) based on the projections of State allocation to the rest of the maintenance expense. The other jurisdictions do not have a ratio that poor. Are these numbers not helpful to look at, is there something different about Roanoke County? Mr. Holladay responded he thinks they are helpful to look at in that they are communicating they are spending more than they are getting. Delegate Habeeb responded but as a percentage basis, their deficit is

not anywhere near what staff is projecting. He explained what he is trying to find out if the nature of them as urban is causing the difference, is it something different about Roanoke County's maintenance needs relative to the others? Mr. Holladay advised their maintenance program is different because it is an urban system. Mr. Goodman explained there is an urban highway payment, which reduces the cost. Delegate Habeeb asked if there was an analysis like this on a statewide basis? Mr. Holladay stated the VDOT model could be used and go from there and then compare what that individual county received, but other than that no.

Supervisor Flora asked if staff is basing what the County's allocation would be today would be significantly different than what it would have been fifteen (15) years ago? Mr. Holladay responded he is not sure about fifteen (15) but knows over the past five to ten (5-10) years the allocations have slowly been going down. Supervisor Flora stated in most cases around here the secondary roads money has been cut about ninety percent (90%). Roanoke County receives about ten percent (10%) of what they used to have to do secondary maintenance. If this was done ten (10) years ago versus today, it seems to him it would be substantially higher. Mr. Holladay responded they would be higher and would have probably increased over the years. Supervisor Flora stated therefore you cannot take Henrico for example and look at their lane miles allocation because it is probably based on whenever they opted out of the system and compare it with today's allocation because today the maintenance money is significantly less than what it was when they opted out.

Supervisor Altizer stated the Board's purpose in this work session is to take a more pro-active approach in working with our legislators face to face; not going up and down the elevator in Richmond to help, at least, to provide more information through the process they might not get in Richmond just because of the way things are presented. He stated his opinion is that when reviewing this study, there are things to be changed within VDOT, and he is not saying anything wrong, before you can ever hope to get to the attempt to get counties to volunteer to take up their own roads or even to go through the premise of accepting. He referenced page 40 and quoted, "the Commonwealth currently requires cities with more than 3,500 residents to be responsible for their local roads and streets. Indeed, the area that was previously Nansemond County incorporated into the City of Suffolk in the 1970s and recently assumed responsibility for all of its roads. Lane-mile payments to cities are higher (by approximately forty percent (40%)) than those estimated to counties under VDOT's 2006 cost model." How is that?

Senator Smith advised in anticipation of this meeting, he advised he has not read the study in its entirety, but has had conversations a couple of week ago with Secretary Connaughton knowing this meeting with coming up. He asked if he could condense and tell him where we are going with this. He advised he does not think it is anyone's intent; it appears that way quite frequently, Richmond runs out of money for something and the response is just let Roanoke County pay for it. We have been there where they have stated let the counties "locals" pay for it. We know that. Senator Smith advised the group to reference page 2 and you say why is anybody even proposing something on the surface appears to be harebrained. On page 2, the State has ownership in responsibility for nine four point sixty two percent (94.62%) of all the roads in the Commonwealth and only three other states do it that way, with the

exception of five (5) states. Of the remainder of the states, the highest percent paid for by the state is thirty eight point nine percent (38.9%). The median is probably more like fourteen percent (14%). Most states are doing it another way, it does not mean it is a better way but they have chosen to do it. Virginia has stayed with the 1932 model; that is reason someone is looking at it. Also, there are ten (10) items highlighted from the study; most are obvious to us. The secondary road system as it is currently configured is not an appropriate administrative apparatus for maintenance and operations of the roads it contains. They are saying is there a better way; we are not getting it down the way we are going about it now. The condition of secondary system is deteriorating and he stated he thinks all can agree on that. In recent years, VDOT secondary construction program has provided minimal funding support for constructing new roads in the secondary systems. The current budget allocation process for maintenance funds gives relatively low priority to the secondary systems. The current devolution mechanism for construction and maintenance is not attracting county participation. Other counties are getting hit with this and do not like it any better than Roanoke County. County officials generally agree that State payments will not cover all the costs of a local road program for maintaining secondary roads. Many counties have limited capacity to assume secondary maintenance responsibilities. Local control over local roads and streets affords a significant opportunity to integrate decision making over transportation and land use and improve development outcomes. If a good way to do it can be achieved, that is the big part of the payoff. He stated he would think a big part of the payoff is better roads without greater costs. Local option transportation taxes have been used throughout the United States to generate revenue to local road construction and maintenance programs. He stated you can translate to local Boards can raise taxes and the general assembly will not have to. Current secondary road acceptance procedures have and may continue to add roads to the secondary system in ways that exacerbate the maintenance budget shortfall. This is the ten points they see. Then there are several options to fix. Senator Smith reminded the audience that he is merely the messenger. The first option is to maintain status quo. The second option is to maintain the current policy within VDOT where VDOT maintains responsibility over secondary systems but to grant secondary roads greater priority. One problem with this is it will deplete the funding for the other systems. Third option is empower counties to raise revenues to supplement VDOT secondary road programs and local programs will take full responsibility for the roads. The fourth option would be impose devolution on all counties and the fifth to impose devolution on select urban counties. Going back to what Supervisor Altizer said, it may be that some more populous metropolitan areas are actually taking advantage of this system. They are getting more back per mile than the rest of us. Supervisor Altizer stated he believes that is happening, but to go back to number ten. Current secondary road acceptance procedures have and may continue to add roads. We all know and thinks we can all agree as we accept roads in we pass them along to VDOT, but if you go to page fourteen (14) and you look at the density population of Roanoke County at 368 per square mile and to get an indication of the amount of roads that are being added and you look at Alexandria whose population number is 9,220. So, if there is an abuse going on all you have to do is go look at some of these bigger counties through land use or whatever reason are contributing to the highest amount of secondary roads that are being given over to the State. As you come

down and look at Roanoke, 369 people per square mile. If you go back to number ten, I think that goes to Alexandria, Arlington, Fairfax, Richmond, Portsmouth, Lexington, Winchester and Harrisonburg who are almost 6200 people per square mile. So, it does tie to land use, but as he reviewed this report there seems like there is a lot of efficiencies. He noted back under the old proposal, it appears you would take a look at where everything is, with how things are allocated and where monies are coming from and get those systems fixed before you could ever hope to get counties to volunteer to take over or have the General Assembly decide to figure out what shape or form you would want to do it in. All the Board is trying to go is to get you to understand how this is going to affect the localities represented and provide the information you previously did not have. As complex as this is, he does not believe the general assembly in one year could do anything that would push roads back to counties; it is too complex an issue. It appears that you need to know what it is adequately going to take, whether the State keeps the roads or whether they want counties to take them on which will enable localities to be treated equally with the same circumstances and "apples to apples" to every other locality in the State of Virginia. In land use, he feels you need to figure out who is contributing to the long-term problem. He stated he feels we have great representation, but our numbers are going down; our clout is not the same as it used to be. Accordingly, the Board is feeling that it needs to step up to the plate to help.

Senator Smith stated most everyone would agree that maintenance of our road system across the Commonwealth is getting short changed. To him, that is being done because every session they come up with new ways to spend new programs and the dollar gets spread thinner. The second thing that is probably working here if you are Fairfax County or other highly populated counties the only thing they can see if we have so many more lane miles per capita than they do. They do not want to pay for our extra lane miles. He stated he thinks from our vantage point which is the fact we do not build one half billion dollar bridge systems in SW Virginia versus a billion dollar road project. As the shifting of the population center, they are going to try when it is changed to get the biggest share. He stated Roanoke County is quite timely in looking at this now. He thinks there is going to be some change; he does not think anybody has figured out what that change should be. Monitor it and see how we profit by it. He stated he does not think if you cannot get better roads for the same amount of money, do not mess with the system, but if the system changes we will need to position ourselves to benefit and improve from it, not regress.

Chairman Church then recognized Senator Edwards who apologized for having to arrive late. He stated to some extent, if we are talking about simply redesigning the system, we are talking about "shifting and moving around the furniture on the titanic." We need a billion dollars of new money each and every year. Every year, we are now taking over \$500,000 to \$1 million up to \$700 million in construction money just for maintenance. We are not constructing roads because the money is simply not there. I think the word that was used was minimally or sporadically or words to that effect; only on occasion are we actually constructing roads. Every year people in Northern Virginia say why don't we shift the formula and we fight it every year; that does not solve the problem either. It is inevitable if you do not have adequate funding that people are going to start looking at is there another way of doing it and by the way why don't we just let the localities do it. Our system is not designed that way. We have

always provided funding for transportation almost entirely by the gas tax; Harry Byrd started that with the Byrd Amendment and periodically we have raised the gas tax because of inflation or needs. The last time this was done in 1986, when gas was 17.5 cents a gallon, which is about 6 cents a gallon today and in addition cars are more fuel efficient. He stated he remembered Kevin Miller, a Republican Senator from Harrisonburg, an accounting professor at JMU, regularly before he retired on the floor of senate year after year stood up and said we need to raise the gas tax. He stated twenty-five years ago my vehicle got 15 miles a gallon, it now gets 30 miles a gallon and he is going twice as many miles for half as much money. So, the revenues are not being brought in and the system, the gas tax, needs adjusting. There is no other credible way to do it. We have abusers fees, how many people liked that idea. How many hated the abuser fees. The Northern Virginia Authority concept where we palmed it off to a commission, a non-elected body of commissioners, both in Northern Virginia and the Hampton Roads area because their needs were so great; let the non-elected people raise the gas tax. The Supreme Court, in its infinite wisdom, correctly noted it was unconstitutional; elected officials have to bite the bullet on this. So far, that has not happened. In 2003, the Senate of Virginia on a bipartisan basis voted to raise the gas tax and fix the transportation problem once and all. In 2004, 2005, 2006 and 2007 it was done and finally we came up with this thing in 2007 that was passed and did not work. Since then, nothing has been done. It is the State's responsibility to solve this problem and the State has not done it. The idea of devolution, of sending it back to the localities under our system will not work which tax would you like to raise. Would you like to have the responsibility of the gas tax, it just does not work. Would you like to increase the tolls, we do not have tolls and in his experience people hate tolls. Studies that he has seen indicate you cannot raise the tolls enough to solve the problem. Right now, we are taking \$234 million from the general fund for education, public and higher education, healthcare, public safety, core services to send to the Transportation Trust Fund to fill pot holes, literally and figuratively. This was done by legislation in different years after 2005. So, we are cannibalizing education for transportation, higher education for transportation, tuition is skyrocketing. We are canalizing healthcare and the hospitals and nursing homes and healthcare for the poor is suffering because of this. Public safety is suffering because of it. So this idea we can fix it without biting the bullet and finding a billion dollars somewhere is simply foolhardy unless we totally change the system in Virginia which he does not see any appetite to do. He stated he saw this thing about the State provides funding for most of the roads in Virginia, but that is our system. We designed it that way and to say let us go back and design it a different way and find money behind a rock somewhere is not going to work. He stated he is appalled that we would have a recommendation that localities would pickup more of the slack when you do not have the tax base to do it. We would have to change the system entirely, give you authority to raise gas tax or do something else and he really does not think that is appropriate. Transportation is a State problem and should be a State responsibility and to thrust it upon the localities is unfair.

Supervisor Elswick stated one would think that VDOT has the experts they have the equipment, we have none of that. For anybody to propose that Roanoke County accept the responsibility and pay for something that VDOT has always been responsible for is ludicrous. If VDOT has a problem and are not raising enough money,

it is VDOT's problem, not ours. We cannot raise money as easily as the State can. If the gas tax has to go up, it has to go up, but you cannot skirt around and come up with budget surplus at the expense of the locality.

Senator Edwards stated he does not think the citizens want to have the real estate tax raised in order to pay for roads, nor should they. The roads should be paid for by those that use the roads. By the way, 36%, according to the Senate finance committee staff, of the gas tax is paid by out of staters, 11% tourists and 25% is paid for by commercial truckers coming through Virginia. He stated he thinks they should have the privilege of helping to maintain and build our roads too. He does not know of any other tax, maybe the sales tax, where you directly impact transportation by having out of staters paying their fair share, except by using the gas tax; that is historically how we have done it. Harry Byrd was a pretty conservative fiscal guy, there is a statute of him in Richmond with him holding the budget and he was known that way as the Governor of Virginia, in Washington as a United State Senator and if you think of Harry Byrd you think of fiscal responsibility and it was his idea back in the 1920's and 1930's.

Senator Smith stated how much sales tax did Harry Byrd increase that is the bottom line. We could do wonderful things if we raise the sales tax to 3% and came along a few years later and we raised it to 4%, 4.5% and 5%. We agree that other programs are robbing the highways and the roads and to say that the 1986 rate of 6 cents is true. Where is the money, it is not in the tax payers pocket. They thought up new programs, just like we talked about right before Senator Edwards got here, new programs every year. Senator Edwards asked if Senator Smith knew what the new program was in 1966, we created a sales tax in 1966 for the community college system. Whenever we establish a new program that is important for people we provide a tax base for it. He advised He guessed we could say let's abolish the sales tax and abolish the community college system, he does not think people want to do that. Instead let's get rid of the Medicaid program and talk to a hospital administrator or nursing home administrator or talk to a Doctor. The system would not work. Oliver Wendell Holmes once said, "Taxes are what you pay for a civilized society." In the 19th century, the only taxes were the property taxes; they also did not have any roads or schools, hospitals or universities. Who wants to go back? If you are going to have services, you need to pay for them. Yes, the services need to be efficiently run and yes it needs to be transparent which is why the gas tax makes so much sense because you know exactly where it is going. Our gas tax is eleven cents below North Carolina's.

Supervisor Altizer inquired when talking about transportation money that is coming out of the general funds and going into transportation, but he would have to assume that is going to the primary roads and interstates because when he looks at the study here for secondary roads over the last six years, it has gone from \$669 million in 2007 to \$410 million in 2011 and maintenance dropped 29% over that period from \$483 million to \$345 million (page 7 of the report). His question was are more allocations going to VDOT going to road construction on primary roads and interstates at the sake of secondary roads, because it appears to him that in some of these studies when looking at some of the numbers. This goes back to devolution of counties. The State has the ability if there is a huge snow removal this year, the State has a big pot of money that they can go over and get and they generally get it out of the maintenance funds. Localities if we have a bad winter, we have no fund to go to. It also seems like to

him from the State level if there is an increase of money coming out of the general fund to VDOT, it is going to somewhere other than secondary roads. If he just goes by this report.

Chairman Church asked if Delegate Habeeb wanted to speak and he responded that he was here to listen and not talk.

Senator Edwards stated there was a decline after 2008 in revenues because people were driving less and the price of gasoline when to \$4 people really changed their habits. Then, VDOT's six-year plan went from \$12 billion to approximately \$8 million because revenues were not coming in which exacerbated the problem.

Chairman Church remarked that we all know that the system is broken and we need to find a workable solution which is why we wanted to talk to our representatives. They are the ones that take care of us on a regular basis and we appreciate it. It is always good to sit down with you and tell you what you already know, but we are dying over here in this particular area and we really have no savings account in the back room to pull from. A lot of the citizens think of VDOT as a big, big bear and no citizen that he knows of and he does not know of anyone that can put a hand on them. It is like a rhetorical question, how do 13,000 gasoline stations raise their raise at the same time, somebody knows. Think about it. We are searching for as we should for our people, answers, hoping we can find just a start. We know you do not have all the answers because you would have fixed it.

Senator Smith referred back to page 2. This is a question after seeing this difference, where most states have turned the majority of the roads over to local entities other than statewide. He asked the Secretary, has anybody looked to see who is doing it better. Some states have reinvented the methodology that makes it better and there are not because no one has come back to us. That is the first thing, is there a plan? Until there is a plan that makes you better off, stay with what you have.

Chairman Church stated that is what we are afraid of. Senator Smith assured the group that Transportation is a priority to him. He advised he spends more time in his service on the Transportation Committee and has spent more time on the issues there and he makes more trips to Richmond in regards to transportation. He thanked the Board and staff for their input. He stated he wanted to do what he could, because he works for us.

Senator Edwards stated to follow-up, the crux of this is detailed in item number seven (7) under the executive summary on page ii. "Many counties have limited capacity to assume secondary maintenance responsibilities, both in fiscal and institutional terms." Could you turn part of this over to maybe Fairfax or somebody like that, maybe? Could you do it to Roanoke County or Roanoke City, Craig County, Giles County, Montgomery County, he does not think they would want to do it because they do not have the resources, both in terms of money and as correctly pointed out in terms of the infrastructure. VDOT has the infrastructure; they have been doing it ever since VDOT was created and why we would want to change the system. You would then have to create a whole new taxing system that each locality would be responsible for and a mini-VDOT which each locality would have to be responsible for. Why would you want to that? He stated he thinks if you propose that to the people they would say "heck no," do something logical. We have had this system in place for years, if you

raise the gas tax how many people are really going to notice. What people want are roads, they want them maintained, and they want them built. He stated he had received last winter from Craig County, a letter from a gentleman who was a traveling salesman. He stated he traveled a 1,000 miles a week and with the snow, VDOT could not get him out. He was mad as hell, he needed to get out to work, to travel and why don't you raise the gas tax. He was furious that he could not get out. He stated it was VDOT's responsibility to move the snow so he could get out and his solution was to raise the gas tax, he would be glad to pay it and he travels a 1,000 miles a week as a salesman. If anybody is going to get hit by that it is going to be him, but he is willing to pay for it. He stated he thinks many people would agree with that. Transportation is so critical it is going to choke off growth in Virginia, choke off bringing new industry in Virginia. He stated he was in the Norfolk area yesterday and the problem is acute in that area. A retired Admiral has pointed out the military significance of not having enough roads that are uncongested in the Hampton Roads area. He stated he would recommend that the military not bring any more installations into the Hampton Roads area because of the problem with the roads down there. In Northern Virginia, he would not be surprised if some companies would say they are not going to resettle our new plant or offices in Northern Virginia because of the congestion up there. Industry looks for quality of life, education and transportation when they are looking to relocate. Who wants to live in an area where you have congested transportation or like in Virginia 38.5% of the bridges need repair or rehabilitation or reconstruction? The money is not there to do it and it seems to him it is the State's responsibility to fix the problem with transportation and not just shift the burden to localities, he thinks that is irresponsible.

Supervisor Flora stated the scariest part about this concept of devolution is that there is no overall financial plan that goes with it. It is like it was put out there and all it has done is scare the counties to death. It should have never hit the street until the whole plan was developed; how it is going to be paid for, where is the money coming from, what is it going to do to the local taxpayers in terms of a burden. Today, we are so locked in to what we can raise revenue with the only place we have to go is real estate tax. He stated he thinks this should be pulled back and taken a look at and make sure that whomever ends up doing it, whether it is the state or the locality, that there is a whole plan so that when you look at it you will know exactly where the money is coming from and what the impact is going to be. Without that, he stated he thinks you will continue to get stonewalled by the counties. The cities are different. When he looks at this for Roanoke County all he sees is a huge hole and is a hole what will be filled with local taxpayers money. Until that is changed and until we see the resources, the authority to do this, give us a piece of the gas tax, something to pay for it so that it does not have to be dumped back onto the homeowners. Real estate taxes in urban areas are just very high and it is because we provide services. Sometimes he thinks you reach a point of whether you wish you had ever gotten in to some of the services because they are increasingly more burdensome. Our revenues are absolutely staggering, local revenues. Our state and federal money in Roanoke County is going down. Craig County the federal money is going up, temporarily. He stated he just wished the general assembly would pull this thing off the table until you have a good plan to present to the people.

Chairman Church stated he was in agreement with Supervisor Flora because the money has to come from somewhere and Roanoke County does not have it.

Senator Edwards stated there was one other really important issue. There is an analogy between public education and transportation in terms of the ability to pay. A lot of the Northern Virginia and other wealthy counties and cities in Virginia pay vastly more percentage wise for education, for example in Arlington, eighty percent (80%) is paid by the localities and twenty percent (20%) by the State. In Floyd County is probably flip flops. If you were to say localities had to pay for their transportation needs, you would have a tremendous disparity in ability to pay. He does not think a lot of the rural counties could do it, he does not know what they would do. Transportation is not just for the people who live in a county, it is also for the people going through the county or the city. We are a very mobile society and that is another reason why it should be a state responsibility and not a local responsibility. Can you image driving from one end of the state to the other and running into better roads than others like it was in the past. You need a uniform system statewide because transportation in one county could affect people who live in another county or who live out of state. This is a statewide problem and should not be vulcanized so that Northern Virginia has great roads and SW Virginia does not.

Chairman Church thanked the visitors for attending on behalf of the entire Board for attending this beneficial work session.

2. Work session to discuss the use of firing range by non-Roanoke County public safety agencies (James R. Lavinder, Chief of Police)

In attendance for this work session were Chief Lavinder; Assistant Chief Terrell Hollbrook; B. Clayton Goodman III, County Administrator. The work session was held from 5:45 p.m. until 5:55 p.m. Mr. Goodman clarified that in one of the attached exhibits the County Administrator can reduce the fee to zero for those who have helped Roanoke County. Since the County has been without a firing range for approximately two (2) years and there have been other ranges that have provided staff with access at no cost, so with the Board concurrence staff would like to include the County Administrator working with the Police Chief would determine those who would not be charged. Additionally, the Board stated that anyone other than the Sheriff's office and the Police Department would have to have our own safety officers for the range. Staff wanted to ask for clarification in that the Western Virginia Regional Jail is not part of the County and they have their own safety officers. Staff would like to exclude them from having to having Roanoke County's presence. Outside agencies will be charged \$700 per day and \$500 for the Western Virginia Regional Jail. It was the consensus of the Board to move forward with this item and allow their own safety officers for the range. Additionally, the jail would also have to execute the agreements as well.

IN RE: CERTIFICATION RESOLUTION

At 7:00 p.m., Chairman Church moved to return to open session and adopt the certification resolution.

**RESOLUTION 091311-6 CERTIFYING THE CLOSED MEETING
WAS HELD IN CONFORMITY WITH THE CODE OF VIRGINIA**

WHEREAS, the Board of Supervisors of Roanoke County, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board of Supervisors of Roanoke County, Virginia, that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Roanoke County, Virginia, hereby certifies that, to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting which this certification resolution applies; and

2. Only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of Roanoke County, Virginia.

On motion of Supervisor Church to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

IN RE: SECOND READINGS OF ORDINANCES

1. Ordinance amending the Roanoke County Zoning Ordinance by the addition of amendments relating to Large and Utility Wind Energy Systems, including amendments to Section 30-29 "Use Types; Generally," Various Sections In Article III "District Regulations," and a new Section 30-87-7 "Wind Energy System, Large; and Wind Energy System, Utility" in Article IV. "Use and Design Standards" (Paul M. Mahoney, County Attorney)

Mr. Mahoney explained the public hearing was held on August 23, 2011, with discussion, debate and vote held over. The procedural approach will be to go through the proposed ordinance subsection by sub section, vote on each specific part of the amendment and finally vote on the revised, amended ordinance.

Supervisor Altizer inquired of Mr. Mahoney that during the public hearing a question was raised of what would happen if someone was in nonconformance. Mr. Mahoney responded that question focused on one part of the zoning ordinance. For example, occurred many years ago, we had a builder who constructed a house that violated the setback ordinance. Plans showed the appropriate setback, but the house was constructed in violation of the zoning. Zoning Board denied and the builder was required to put the building within the proper zoning. He further added hopefully it would be caught during the initial plan view and the County could refuse to give a certificate of occupancy and force either bringing into compliance or bringing it down.

Supervisor Altizer continued by stating speaking on behalf of himself, not the Board, there needs to be clarification. There is an inference that if an ordinance is passed tonight puts Wind Mills on Bent Mountain. That is not the truth. We are considering an ordinance which is nothing more than a basis of a foundation and a framework upon any petitioner would have to respond and it lays out what they have to do and what time they have to do it. He felt compelled to make that very clear that is what an ordinance is. We do not have a petition to act on. Has spoken to people on Bent Mountain and throughout his district, this is for all of Roanoke County. All we have now is a utility services major, reading from the ordinance, no major utilities service shall be located within a one hundred (100) feet of existing residence, that is all it has to be back if the Board had a petition today; that is the basis we would start from. Minimum lot size may be reduced and as part of the approval provided all setback and yard requirements met and all other dimensional requirements are achieved. The Board would not be talking about setbacks of what the ordinance right now alone talks about. He believes in his heart when the board leaves here tonight and enacts an ordinance that each and everyone in this room and each and every citizen in Roanoke County will be ten to twenty times more protected under an ordinance than it is today and he thinks that is the charge for this Board, at lease for him that is what he feels his charge is. He has a list of amendments that he will go through it and wants to make sure everyone hears it and he wants to explain why he wants the changes made.

Setbacks: Large wind energy systems and utility wind energy systems shall be set back a distance of four hundred and fifty feet or one hundred ten percent (110%) of the height of the wind energy system from all adjoining non-participating property lines (whichever is greater). Supervisor Altizer explained the reason he felt a minimum setback was needed is that he believes that the Board knows if they ever get a petition, one may come that only need two hundred feet or three hundred feet towers and he was not quite comfortable having a two hundred and twenty foot setback or three hundred and thirty foot setback and he thought the Board should have something in the ordinance that addresses a minimum setback of what other petitions could bring.

Communication Interference: Large wind energy systems and utility wind energy systems shall be sited in a manner that causes no disruption or loss of radio, telephone, television or similar signals or service. He stated he believes that putting a minimum gives a connotation that there is an acceptance you can have some minimum interference, even though the last part of that section says it shall be required to provide appropriate mitigation measures to ensure that the signal or services are restored within twenty four (24) hours.

Removal of Defective or Abandoned Large Wind Energy Systems or Utility Wind Energy Systems:

(a) At such time that a large wind energy system or utility wind energy system is known to be abandoned or discontinued, the owner shall notify the Zoning Administrator within ten (10) days of such knowledge by certified mail of the proposed date of abandonment or discontinuance of operations. He stated it is his belief that it is in the best interests of the citizens of Roanoke County and this Board that a shorter time frame is what we all need to be able to react under certain conditions. While scheduled may be six (6) months out that scheduling may be known five (5) months earlier.

(b) Within 180 days of the known date of abandonment or discontinuation, the owner shall physically remove the large wind energy system or utility wind energy system. This is for consistency.

iii. Restoration of the location of the large wind energy system or utility wind energy system to its natural preexisting condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the owner of the system to the County. He stated he thought this was confusing because from what he understands most windmill companies lease land so he would think at some point the landowner is the person that owns the land and he did have this insertion of owner of the system.

iv. Foundations shall be removed to a depth of three (3) feet below ground level and covered to an equivalent depth with fill material. At the time of removal, the site shall be restored to its preexisting condition. If a written request is submitted by the owner of the system to the County then this requirement may be waived or altered for any other legally authorized use. He stated what he envisioned with the way the ordinance was written that the developer or owner of the systems would not have to dig up the three foot. In talking with Mr. Mahoney, what he visualized if you had sixteen (16) towers in a row it would look like an Indian burial ground with three foot platforms all the way down; that is the reason that he changed that language so they have to take out the concrete abutment down three (3) feet, fill it back in to ground level.

(c) If the large wind energy system or utility wind energy system, or any part thereof, is inoperable for more than 90 days and the owner fails to give such notice to the County, then the large wind energy system or utility wind energy system shall be considered abandoned or discontinued.

(d) Decommissioning

ii. Prior to obtaining a Certificate of Occupancy and Zoning Compliance from the County and on every fifth (5th) anniversary of the commencement of the commercial operation of the project, the applicant shall provide to the County an estimate of the projected cost of removing the turbines and other equipment. He stated Roanoke County needs to know sooner than ten (10) years, need to know in five (5) years it is a more current time date, less than a time frame so that bonds, etc. can be adjusted on a five (5) year basis rather than on a ten (10) year basis to have a more adequate cost of the decommissioning value.

iii. Based on this determination, the applicant shall post and maintain decommissioning funds in an amount equal to Gross Cost of Decommissioning. If the County is responsible for decommissioning then the County shall retain any salvage value. He explained that means that if you have a company, not to say that they will but things happen, if the bond has to be closed on and then all of a sudden the bond holder decides it is cheaper for them to write the County a check and make them do it, then he wants to make sure that we have salvage value credit and that belongs to the County if Roanoke County has to take down the system.

17. Application Requirements:

(e) The applicant shall provide the County with a property value protection plan. There is a long of history if you have a Walmart going in, Lowes, Home Depot, etc. In a commercial area, the County has enough history that we know property values are not going to fall even though many people around it think they will. We have that history. This is new territory for Roanoke County, windmills and he does not know. He knows there are studies that is not, there may be some others that says it can effect, but he feel that the Board has to make sure to protect against that because of no history to the best of our ability so therefore he has added a new section (e). This can be something that is submitted and will at the time of the special use have to pass muster and good feel with the Board, but Roanoke County is involved with two entities where this has been done and there is language there that developers could look to see how that was done. It was done with the Regional Landfill that was placed in Catawba to protect property values around the landfill and it was also done with the Western Virginia Regional Jail to protect the residents around that from declining property values due to that project. He stated he does not think either one of those projects have ever paid out anything, but thinks the County has to have that protection.

Chairman Church asked Mr. Mahoney before other Board members are heard for discussion and or a procedure for a vote; his understanding is the Board should have live discussion on these items as each member brings them. Is that going to be best way to handle. Mr. Mahoney recommended as a way to minimize confusion, if the Board wanted to go through section by section and vote on a variety of changes, i.e. with respect to setbacks under Section D.3, there may be three or four amendments from three or four Board members and the Board may all want to submit their different amendments and have different votes on each of those proposed amendments and then just walk through section or subsection by section or subsection, if that minimizes

confusion, he would suggest that might be one approach. Chairman Church stated he was in agreement, in other words, setback numbers, once we have discussion and have three proposals, the Board would vote on those and vote on each item at a time.

Supervisor Elswick stated he is just looking at what Mr. Altizer has proposed it looks like from Item A on, that most of the Board would not have a problem with Supervisor Altizer's proposals and we can go ahead and say okay on all of those and the only items that it leaves is setbacks and noise, without us going through time after time.

Chairman Church stated what he needs to do is take a look to his left and to his right to determine if that is the case. Supervisor Flora stated he is fine with that, he does not have a problem with the ones that Supervisor Elswick is agreeable to.

Supervisor Moore stated she was good with what Supervisor Altizer has proposed, however, she has a few amendments in relation to some that he has already spoken on.

Chairman Church advised so it would come down to a couple of different scenarios and in that particular case on the items like you said Mr. Elswick, item 8 on. Supervisor Elswick advised he is in agreement.

Supervisor Moore provided the following changes.

(B) General Standards.

3. Setbacks: Large wind energy systems and utility wind energy systems shall be set back a distance of one hundred ten per cent (110%) of the height of the wind energy system from all adjoining non-participating property lines, and systems shall be set back a distance of 1,000-2,640-feet (whichever is greater) from existing dwelling units on non-participating properties. The Board of Supervisors may modify the required setbacks from property lines and existing dwelling units as appropriate based on site specific considerations during the special use permit process. Setbacks shall be measured from the base of the tower of the wind energy system.

15

(b)

i. Removal of the wind turbine and tower, all machinery, equipment, equipment shelters, security barriers, underground wiring, and all appurtenant structures from the subject property;

(c) If the large wind energy system or utility wind energy system, or any part thereof, is inoperable for more than 180 90 days and the owner fails to give such notice to the County, then the large wind energy system or utility wind energy system shall be considered abandoned or discontinued. If the owner provides the County with proof that repair parts have been ordered or maintenance has been scheduled, then the

County has the option to extend the time period for determining that the system has been abandoned or discontinued. The County shall determine in its decision what proportion of the large wind energy system or utility wind energy system is inoperable for the wind energy system to be considered abandoned. The enforcement of any decision of abandonment or in operability shall follow the procedures established in Section 30-21 of this Code.

(d)

iii. Based on this determination, the applicant shall post and maintain decommissioning funds in an amount equal to Net Decommissioning Cost, that being Gross Decommissioning Cost minus Salvage value.

v. ~~The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or State chartered lending institution mutually agreement~~

Supervisor Elswick stated it appeared that the Board would need to get started on voting line by line. Supervisor Flora remarked he is confused already. Chairman Church stated the citizens here and the ones at home are going to be the same as the Board. He advised Mr. Mahoney that the Board would need to go line by line and draw the comparisons down to something the Board can work with.

Supervisor Elswick inquired if the Board was now going line by line and voting with Chairman Church responding in the affirmative.

Supervisor Elswick stated the first amendment as follows:

(A) Purpose and Intent: The purpose of this ordinance is to provide regulations for the placement, design, construction, monitoring, operation, modification, and removal of large wind energy systems and utility wind energy systems, while addressing public safety, minimizing impacts on scenic, natural and historic resources of the County and ~~not unreasonably interfering with the development of independent renewable energy sources.~~

Supervisor Elswick stated he did not see why this statement needs to be there as it is a political statement and you can you could also say not interfere with people's way of life, not interfere with a lot of different things. Supervisor Elswick moved to amend the section as he has stated.

Chairman Church asked the Board members if they all understood what Mr. Elswick has proposed. Supervisor Flora stated he understands it and seemed to him that would pretty much get the intent of the whole ordinance if you are going to take out "not unreasonably interfering with the development of independent renewable energy sources" that means you can interfere, you are interfering, it seems to him that it is a contradiction. If the Board does that why would the ordinance be needed.

Supervisor Moore advised State and Federal law prohibits Roanoke County to make this so restrictive that no one can even entertain putting the windmills up so she stated she is not in agreement.

Chairman Church asked Mr. Mahoney to speak to the statement "State and Federal." Is that something that Mr. Mahoney is aware of? Mr. Mahoney stated when he and Supervisor Elswick discussed this amendment; he had suggested striking out the last clause. It is his understanding that the Commonwealth of Virginia has adopted a general policy statement that talked about renewable energy, so to him the purpose clauses are nice things to have and it does help with the intent when he is making an argument in front of a judge, but at the end of the day comes down to a specific language and a specific regulatory ordinance.

Supervisor Elswick stated this ordinance is about a large wind and utility systems. This sentence is about development of independent, renewable energy sources, any source, solar, water, methane, whatever so he does not see how it is relevant specifically to large, wind energy. The ordinance is being written to protect people, the County, the environment and to define the characteristics for how large wind energy systems ought to be conducted. This is a political statement, but it is not a big deal. If the Board wants to vote on it and it is turned down, then that is fine it is not really hurting anything, we have bigger fish to fry.

On motion of Supervisor Elswick to amend the proposed ordinance, the motion was denied by the following recorded vote:

AYES: Supervisor Elswick

NAYS: Supervisors Moore, Altizer, Flora, Church

Supervisor Elswick then suggested the following amendment:

(B) General Standards:

3. Setbacks: Large wind energy systems and utility wind energy systems shall be set back from non-participating property lines in accordance with independent analysis, funded by the applicant for a special use permit, of the specific county area for which a permit is requested. Such analysis will be used to advise the Board of Supervisors who will decide appropriate setbacks. A distance of one hundred ten percent (110%) of the height of the wind energy stem from all adjoining non-participating property lines, and shall be set back a distance of 2,640 feet from existing dwelling units on non-participating properties. The board of Supervisors may modify the required setbacks from property lines and existing dwelling units as appropriate based on site specific considerations during the special use permit process. Setbacks shall be measured from the base of the tower of the wind energy system.

Supervisor Elswick explained the rationale behind this change is that none of the members are cognizant of what it really takes, what the impacts are for large wind energy systems. Obviously, the Planning Commission was not. A lot of other people

are not. There are a lot of opinions saying one thing or another and a lot of name calling that was unnecessary and he is just trying to say that the Board ought to get people who know more than we do, because it is a brand new subject for Roanoke County and obviously that has shown up because all that was done when we started the process is copy somebody else's ordinance. The purpose for this is to say, "Let's get some experts" to help us make a decision as to what this ought to be rather than just grabbing at numbers out of the air.

Supervisor Flora commented that he thinks the experts once an application is filed, at that point, that is when the experts need to come in and give the Board guidance in terms of what that setback should appropriately be. All that the Board is talking about here is minimums, not maximums.

Chairman Church stated that Supervisor Altizer opened the session tonight with something that needs to be repeated. Even today, the Board is receiving emails asking please do not vote yes tonight because that would put a wind system on Bent Mountain; that is not the case. The Board has tried to communicate that probably eight or ten (8 or 10) times. Tonight's situation and votes simply are setting up guidelines making sure that each and every petition by any developer will come to this Board and any and all of the appropriate setbacks, decibel readings and all of the above can be changed at the Board's discretion. He stated with that being said, he would be in favor of leaving the one hundred and ten percent (110%) distance and leaving the one half a mile, 2,640 feet.

On motion of Supervisor Elswick to amend the proposed ordinance, the motion was denied by the following recorded vote:

AYES: Supervisor Elswick
NAYS: Supervisors Moore, Altizer, Flora, Church

On motion of Supervisor Church to amend the proposed ordinance leaving the one hundred and ten percent (110%) distance and leaving the one half a mile, 2,640 feet, the motion was denied by the following recorded vote:

AYES: Supervisor Church
NAYS: Supervisors Moore, Altizer, Flora, Elswick

Supervisor Moore stated in reference to item number three with regard to the setbacks, she moved to amend the ordinance as follows:

3. Setbacks: Large wind energy systems and utility wind energy systems shall be set back a distance of one hundred ten per cent (110%) of the height of the wind energy system from all adjoining non-participating property lines, and systems shall be set back a distance of 1,000-2,640-feet (whichever is greater) from existing dwelling units on non-participating properties. The Board of Supervisors may modify the required setbacks

from property lines and existing dwelling units as appropriate based on site specific considerations during the special use permit process. Setbacks shall be measured from the base of the tower of the wind energy system.

On motion of Supervisor Moore to amend the proposed ordinance as indicated, the motion was approved by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora
NAYS: Supervisor Elswick, Church

Supervisor Flora stated that Supervisor Altizer had proposed an amendment which was four hundred and fifty (450) feet or one hundred and ten percent (110%), whichever is greater. He stated he concurs with this amendment and would move as such.

On motion of Supervisor Moore to amend the proposed ordinance as indicated, the motion was approved by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Church
NAYS: Supervisor Elswick

Mr. Mahoney then stated to clarify with respect to Section 30-87-7, under (B), number three as he understands the last two votes setbacks would then read:

3. Setbacks: Large wind energy systems and utility wind energy systems shall be set back a distance of four hundred and fifty (450) feet or one hundred ten percent (110%) of the height of the wind energy system from all adjoining non-participating property lines, whichever is greater, and systems shall be set back a distance of one thousand (1,000) feet from existing dwelling units on non-participating properties, whichever is greater. The Board of Supervisors may modify the required setbacks from property lines and existing dwelling units as appropriate based on site specific considerations during the special use permit process. Setbacks shall be measured from the base of the tower of the wind energy system.

Supervisor Elswick then moved under Section 30-87-7 (B) the following:

3. Setbacks: Large wind energy systems and utility wind energy systems shall be set back from non-participating property lines a minimum of one mile in agricultural areas, as measured horizontally from windmill base. Owners of adjoining properties may agree to a reduced setback. Setbacks from neighboring businesses in industrial and commercial districts will be a minimum of one hundred and ten percent (110%) of the windmill height as measured horizontally from the windmill base.

Supervisor Elswick explained this number came from the World Health Organization and all kinds of other organizations who have studied the impacts. Mr. Mahoney then asked if the remainder of the proposed section would be deleted with Supervisor Elswick responding in the affirmative.

On motion of Supervisor Elswick to amend the proposed ordinance, the motion was denied by the following recorded vote:

AYES: Supervisor Elswick
NAYS: Supervisors Moore, Altizer, Flora, Church

Supervisor Elswick then proposed the following change to section 5.

5. Noise: Large wind energy systems and utility wind energy systems shall not exceed three (3) decibels above ambient noise levels as measured from the closest non-participating property lines. An analysis, prepared by an acoustical engineer with a professional engineering license, shall be provided, at applicants' expense, to demonstrate compliance with the noise standard. (The reminder is deleted)

Supervisor Elswick explained this change was based on advice from NASA, who did an extensive study. He advised sixty (60) decibels is Route 419 noise, mountainous areas is twenty-five (25) decibels.

On motion of Supervisor Elswick to amend the proposed ordinance, the motion was denied by the following recorded vote:

AYES: Supervisor Elswick
NAYS: Supervisors Moore, Altizer, Flora, Church

Chairman Church asked with the permission of Supervisor Elswick, he would like to insert instead of sixty (60) decibels, the number thirty five (35) and the reasoning is based on a lot of citizens before the Board with studies and people who have visited other windmill farms and they repeatedly said they stood right below the blades at the base of the windmill and could barely hear some of the sound, which is from what he understands is the worse place to stand if you really want to get a true reading. He stated he has been told by people that he feels are knowledgeable in this if there are no obstructions, whether it be trees, houses, mountain ridges, etc. the sound can stay consistently the same for a longer distance of time. The noise level and the intensity can be broken down as it comes off of trees, structures, mountain ranges, etc.

So, he is not convinced that standing below an operating wind turbine can give you a true reading as to it would sound like in a rural area, within the community, for people and lots of structures, houses, etc are located. He stated there would be no other change other than thirty-five (35) decibels is his recommendation.

On motion of Supervisor Church to amend the proposed ordinance as indicated above, the motion was denied by the following recorded vote:

AYES: Supervisor Elswick, Church
NAYS: Supervisors Moore, Altizer, Flora

Supervisor Elswick stated he was gone; there is no reason for him to stay. The remaining Board members are pretty much deciding what needs to be done. Thank you very much and left the meeting. Chairman Church then recessed for ten minutes.

At 8:00 p.m. Chairman Church called the meeting back in session. Supervisor Altizer then proposed the following change to item 8.

8. Communication Interference: Large wind energy systems and utility wind energy systems shall be sited in a manner that ~~minimizes~~ causes on the disruption or loss of radio, telephone, television or similar signals or service. He stated he believes that putting minimize gives a connotation that there is an acceptance that you can have some minimum interference, even though the last part of that section says it shall be required to provide appropriate mitigation measures to ensure that the signal or services are restored within twenty four (24) hours.

On motion of Supervisor Altizer to amend the proposed ordinance as indicated, the motion was approved by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Church
NAYS: None
ABSENT: Supervisor Elswick

15

(a) At such time that a large wind energy system or utility wind energy system is ~~scheduled~~ known to be abandoned or discontinued, the owner shall notify the Zoning Administrator within ten (10) days of such knowledge by certified mail of the proposed date of abandonment or discontinuance of operations.

On motion of Supervisor Altizer to amend the proposed ordinance as indicated, the motion was approved by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Church

NAYS: None
ABSENT: Supervisor Elswick

15

(b) Within 180 days of the known date of abandonment or discontinuation, the owner shall physically remove the large wind energy system or utility wind energy system. This is for consistency.

On motion of Supervisor Altizer to amend the proposed ordinance as indicated, the motion was approved by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Church
NAYS: None
ABSENT: Supervisor Elswick

15

(b) iii. Restoration of the location of the large wind energy system or utility wind energy system to its natural preexisting condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the ~~landowner~~ owner of the system to the County. He stated he thought this was confusing because from what he understands most windmill companies lease land so he would think at some point the landowner is the person that owns the land and he did have this insertion of owner of the system.

On motion of Supervisor Altizer to amend the proposed ordinance as indicated, the motion was approved by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Church
NAYS: None
ABSENT: Supervisor Elswick

15

(b) iv. Foundations shall be removed to a depth of three (3) feet below ground level or and covered to an equivalent depth with fill material. At the time of removal, the site shall be restored to its preexisting condition. If a written request is submitted by the ~~landowner~~ owner of the system to the County then this requirement may be waived or altered for any other legally authorized use. Restoration shall be verified by the County.

On motion of Supervisor Altizer to amend the proposed ordinance as indicated, the motion was approved by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Church
NAYS: None

ABSENT: Supervisor Elswick

Supervisor Moore proposed the following change:

15

(b) i. Removal of the wind turbine and tower, all machinery, equipment, equipment shelters, security barriers and underground wiring and all appurtenant structures from the subject property.

On motion of Supervisor Moore to amend the proposed ordinance as indicated, the motion was approved by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Church

NAYS: None

ABSENT: Supervisor Elswick

Chairman Church then inquired of Mr. Mahoney if the County can demand some type of financial commitment, some sort of guarantee to cover these costs. He stated Roanoke County is not in the business of scraping roads, or dismantling wind turbines. He asked if the Board was agreeable to having a financial guarantee to be determined that could be put into the ordinance to help offset any potential cost to the taxpayers. Mr. Mahoney explained this is addressed under the Decommissioning section.

Supervisor Altizer and Supervisor Moore proposed the following change:

15

(c) If the large wind energy system or utility wind energy system, or any part thereof, is inoperable for more than ~~180~~ 90 days and the owner fails to give such notice to the County, then the large wind energy system or utility wind energy system shall be considered abandoned or discontinued. If the owner provides the County with proof that repair parts have been ordered or maintenance has been scheduled, then the County has the option to extend the time period for determining that the system has been abandoned or discontinued. The County shall determine in its decision what proportion of the large wind energy system or utility wind energy system is inoperable for the wind energy system to be considered abandoned. The enforcement of any decision of abandonment or inoperability shall follow the procedures established in Section 30-21 of this Code.

On motion of Supervisor Altizer to amend the proposed ordinance as indicated, the motion was approved by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Church

NAYS: None
ABSENT: Supervisor Elswick

Supervisor Altizer proposed the following change:

15

(d) Decommissioning

ii. Prior to obtaining a Certificate of Occupancy and Zoning Compliance from the County and on every tenth fifth (5th) anniversary of the commencement of the commercial operation of the project, the applicant shall provide to the County an estimate of the projected cost of removing the turbines and other equipment from the site as determined by an independent engineer mutually agreeable to the applicant and County ("Gross Decommissioning Cost").

On motion of Supervisor Altizer to amend the proposed ordinance as indicated, the motion was approved by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Church
NAYS: None
ABSENT: Supervisor Elswick

Supervisor Altizer proposed the following change:

15

- (d) iii. Based on this determination, the applicant shall post and maintain decommissioning funds in an amount equal to ~~net Gross Cost of Decommissioning cost, that being gross decommissioning cost minus salvage value.~~ If the County is responsible for decommissioning then the County shall retain any salvage value.

Mr. Mahoney explained this is an incentive for the owner to remove. On motion of Supervisor Altizer to amend the proposed ordinance as indicated, the motion was approved by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Church
NAYS: None
ABSENT: Supervisor Elswick

Supervisor Altizer proposed the following change:

17. Application Requirements:

(e) The applicant shall provide the County with a property value protection plan.

Supervisor Flora inquired whether the Board needed to be any more specific; should the other two (2) be referenced. Mr. Mahoney explained he was purposely leaving this vague and when an applicant came the applicant would say "what the heck does this mean." At that point, staff would provide the applicant with what has been done both with the landfill and the regional jail, but an applicant may be more creative and come up with a better approach than what the County has for those two situations. On motion of Supervisor Altizer to amend the proposed ordinance as indicated, the motion was approved by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Church

NAYS: None

ABSENT: Supervisor Elswick

Supervisor Moore proposed the following amendment be struck as it was already covered.

17.

~~(v) The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or State chartered lending institution mutually agreement to the applicant and County~~

On motion of Supervisor Moore to amend the proposed ordinance as indicated, the motion was approved by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Church

NAYS: None

ABSENT: Supervisor Elswick

ORDINANCE 091311-7 AMENDING THE ROANOKE COUNTY ZONING ORDINANCE BY THE ADDITION OF AMENDMENTS RELATING TO LARGE AND UTILITY WIND ENERGY SYSTEMS, INCLUDING AMENDMENTS TO SECTION 30-29 "USE TYPES; GENERALLY," VARIOUS SECTIONS IN ARTICLE III "DISTRICT REGULATIONS," AND A NEW SECTION 30-87-7 "WIND ENERGY SYSTEM, LARGE; AND WIND ENERGY SYSTEM, UTILITY" IN ARTICLE IV. "USE AND DESIGN STANDARDS"

WHEREAS, in June 2009 the Roanoke County Planning Commission and Community Development staff identified various provisions of the Roanoke County Zoning Ordinance to review and update as provided in Section 30-14 of the Roanoke County Code and Section 15.2-2285 of the Code of Virginia; and,

WHEREAS, wind energy was one topic identified not only by County staff but also requested by citizens for further research to develop provisions to recommend be incorporated into the Zoning Ordinance; and,

WHEREAS, the Planning Commission has reviewed wind energy issues in ten (10) work sessions over the past eighteen (18) months, and on January 24, 2011, completed its recommendations for proposed amendments incorporating small wind energy systems; and,

WHEREAS, wind energy is a renewable source of alternative energy and alternative sources of energy are beneficial to Roanoke County, the Commonwealth of Virginia and the United States of America; and,

WHEREAS, public necessity, convenience, general welfare and good zoning practice are valid public purposes for such recommendations by the Planning Commission and action by the Board of Supervisors; and,

WHEREAS, by Ordinance 022211-4 adopted on February 22, 2011, the Board of Supervisors adopted amendments to the County zoning ordinance relating to small wind energy systems; and

WHEREAS, the Planning Commission held its public hearing on these proposed amendments on March 1, 2011, after legal notice and advertisement as required by law; and, on May 17, 2011 recommended approval of these proposed amendments to the zoning ordinance; and,

WHEREAS, the Board of Supervisors held work sessions on these proposed amendments to the zoning ordinance on June 14, 2011 and July 12, 2011; and

WHEREAS, the Board of Supervisors held its first reading on this ordinance on July 26, 2011, its public hearing after legal notice and advertisement as required by law on August 23, 2011, and second reading on September 13, 2011.

NOW, THEREFORE, be it ordained by the Board of Supervisors of Roanoke County as follows:

1. That the following sections of the Roanoke County Zoning Ordinance be amended to read and provide as follows.

ARTICLE II - DEFINITIONS AND USE TYPES

SEC. 30-29. USE TYPES; GENERALLY.

Definitions:

Wind energy system, large: A wind energy conversion system consisting of one or more wind turbines, towers and associated control or conversion electronics, having a rated nameplate capacity of not more than 999 kilowatts (kW). For purposes of non-residential net metering, Virginia Code Sec. 56-594B limits the electrical generating facility to a capacity of not more than 500 kilowatts.

Wind energy system, utility: A wind energy conversion system consisting of more than one wind turbine, towers and associated control or conversion electronics, having a rated nameplate capacity of one (1) megawatt (MW) or greater.

ARTICLE III – DISTRICT REGULATIONS

SEC. 30-32. AG-3 AGRICULTURAL/RURAL PRESERVE DISTRICT.

Sec. 30-32-2. Permitted Uses.

- (B) The following uses are allowed only by special use permit pursuant to section 30-19. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

5. *Miscellaneous Uses*

Wind Energy System, Large*
Wind Energy System, Utility*

SEC. 30-33. AG-1 AGRICULTURAL/RURAL LOW DENSITY DISTRICT.

Sec. 30-33-2. Permitted Uses.

- (B) The following uses are allowed only by special use permit pursuant to section 30-19. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

6. *Miscellaneous Uses*

Wind Energy System, Large*
Wind Energy System, Utility*

SEC. 30-61. I-1 LOW INTENSITY INDUSTRIAL DISTRICT.

Sec. 30-61-2. Permitted Uses.

-
-
- (B) The following uses are allowed only by special use permit pursuant to section 30-19. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

3. *Miscellaneous Uses*

Wind Energy System, Large*
Wind Energy System, Utility*

SEC. 30-62. I-2 HIGH INTENSITY INDUSTRIAL DISTRICT.

Sec. 30-62-2. Permitted Uses.

- (B) The following uses are allowed only by special use permit pursuant to section 30-19. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

4. *Miscellaneous Uses*

Wind Energy System, Large*
Wind Energy System, Utility*

ARTICLE IV – USE AND DESIGN STANDARDS

SEC. 30-87. MISCELLANEOUS USES.

Sec. 30-87-7. Wind Energy System, Large; and Wind Energy System, Utility.

- (A) Purpose and Intent: The purpose of this ordinance is to provide regulations for the placement, design, construction, monitoring, operation, modification, and removal of large wind energy systems and utility wind energy systems, while addressing public safety, minimizing impacts on scenic, natural and historic resources of the County and not unreasonably interfering with the development of independent renewable energy sources.
- (B) General Standards:

-
-
1. Type of Tower: The tower component of any large wind energy system or utility wind energy system shall be one of monopole design that is recommended and certified by the manufacturer.
 2. Tower Color: Any large wind energy system tower or utility wind energy system tower shall maintain a white or galvanized steel finish, unless Federal Aviation Administration (FAA) standards require otherwise. The Board of Supervisors may allow a property owner, who is attempting to conform the tower to the surrounding environment and architecture, to paint the tower to reduce its visual obtrusiveness.
 3. Setbacks: Large wind energy systems and utility wind energy systems shall be set back a distance of four hundred and fifty (450) feet or one hundred ten percent (110%) of the height of the wind energy system from all adjoining non-participating property lines, whichever is greater, and systems shall be set back a distance of one thousand (1,000) feet from existing dwelling units on non-participating properties, whichever is greater. The Board of Supervisors may modify the required setbacks from property lines and existing dwelling units as appropriate based on site specific considerations during the special use permit process. Setbacks shall be measured from the base of the tower of the wind energy system.
 4. System Height and Separation: The maximum height of a large wind energy system or utility wind energy system, and the minimum distance required between these systems' towers shall be established during the special use permit process by the Board of Supervisors. System height is defined as the vertical distance measured from average grade at the base of the tower to the highest point of the turbine rotor or tip of the turbine blade when extended to its highest elevation. The system height established through a special use permit shall supersede any other height requirement in the zoning ordinance.
 5. Noise: Large wind energy systems and utility wind energy systems shall not exceed 60 decibels (dB(A)), as measured from the closest non-participating property line. Based upon site specific considerations, the Board of Supervisors may modify the decibel level during the special use permit process. An analysis, prepared by an acoustical engineer with a professional engineering license in the Commonwealth of Virginia, shall be provided to demonstrate compliance with this noise standard.
 6. Shadowing/Flicker: Large wind energy systems and utility wind energy systems shall be sited in a manner that minimizes shadowing and flicker impacts. The applicant has the burden of proving that this effect does not have significant

adverse impacts on neighboring or adjacent uses through the appropriate siting of the facility or through mitigation.

7. Lighting: Large wind energy systems and utility wind energy systems shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or an appropriate authority.
8. Communication Interference: Large wind energy systems and utility wind energy systems shall be sited in a manner that causes no disruption or loss of radio, telephone, television or similar signals or service. If loss or disruption occurs due to the operation of the large wind energy system or utility wind energy system, the applicant shall be required to provide appropriate mitigation measures to ensure that the signal or service is restored within 24 hours.
9. Airports: No large wind energy systems and utility wind energy systems shall be constructed unless the applicant has i.) first completed and submitted a Federal Aviation Administration (FAA) Form 7460-1 to the FAA for the preparation of an aeronautical study and determination of there being no Hazard to Air Navigation prior to filing an application for a special use permit; and ii.) has provided a copy of the completed FAA Form 7460-1, including all attachments and the FAA's case study number, to the Executive Director of the Roanoke Regional Airport Commission at least 30 days prior to filing an application for a special use permit.
10. Zoning Overlay Districts: Large wind energy systems and utility wind energy systems shall comply with any additional requirements established in the airport overlay district in Section 30-72 of this ordinance, and the emergency communications overlay district in Section 30-73.
11. Advertising: Signs, writing, pictures, flags, streamers, or other decorative items that may be construed as advertising are prohibited on wind energy systems, except as follows:
 - (a) Manufacturer's or installer's identification on the wind turbine; and
 - (b) Appropriate warning signs and placards.
12. Speed Controls: Large wind energy systems and utility wind energy systems shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

-
-
13. Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility. Adherence to Erosion and Sediment Control regulations is required. The restoration of natural vegetation in areas denuded for construction activities shall be required so long as the restored vegetation does not interfere with the operation of the wind energy system or the maintenance thereof.
 14. Monitoring and Maintenance: The applicant shall maintain large wind energy systems and utility wind energy systems in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the foundation and support structure and security barrier (if applicable), and maintenance of the buffer areas and landscaping if present. Site access shall be maintained to a level acceptable to the Zoning Administrator in accordance with the County's Fire Access Code. The project owner shall be responsible for the cost of maintaining the large wind energy system and the utility wind energy system and access roads, unless accepted as a public way, and the cost of repairing and damage occurring as a result of operation and construction.
 15. Removal of Defective or Abandoned Large Wind Energy Systems or Utility Wind Energy Systems:
 - (a) At such time that a large wind energy system or utility wind energy system is known to be abandoned or discontinued, the owner shall notify the Zoning Administrator within ten (10) days of such knowledge by certified mail of the proposed date of abandonment or discontinuance of operations.
 - (b) Within 180 days of the known date of abandonment or discontinuation, the owner shall physically remove the large wind energy system or utility wind energy system. This period may be extended at the request of the owner and at the discretion of the County. Physically remove shall include but not be limited to:
 - i. Removal of the wind turbine and tower, all machinery, equipment, equipment shelters, security barriers, underground wiring and all appurtenant structures from the subject property;
 - ii. Proper disposal of all solid and hazardous materials and wastes from the site in accordance with local and state solid waste disposal regulations;

-
-
- iii. Restoration of the location of the large wind energy system or utility wind energy system to its natural preexisting condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the owner of the system to the County.
 - iv. Foundations shall be removed to a depth of three (3) feet below ground level and covered to an equivalent depth with fill material. At the time of removal, the site shall be restored to its preexisting condition. If a written request is submitted by the owner of the system to the County then this requirement may be waived or altered for any other legally authorized use. Restoration shall be verified by the County.
- (c) If the large wind energy system or utility wind energy system, or any part thereof, is inoperable for more than ninety (90) days and the owner fails to give such notice to the County, then the large wind energy system or utility wind energy system shall be considered abandoned or discontinued. If the owner provides the County with proof that repair parts have been ordered or maintenance has been scheduled, then the County has the option to extend the time period for determining that the system has been abandoned or discontinued. The County shall determine in its decision what proportion of the large wind energy system or utility wind energy system is inoperable for the wind energy system to be considered abandoned. The enforcement of any decision of abandonment or inoperability shall follow the procedures established in Section 30-21 of this Code.
- (d) Decommissioning:
- i. If an applicant fails to remove a large wind energy system or utility wind energy system in accordance with this section of the ordinance, the County shall have the authority to enter the subject property and physically remove the facility. The County shall require the applicant, and/or subsequent owners of the property or large wind energy system or utility wind energy system, to provide a form of surety mutually agreeable to the applicant and the County to cover costs of the removal in the event the County must remove the facility.
 - ii. Prior to obtaining a Certificate of Occupancy and Zoning Compliance from the County and on every fifth (5th) anniversary

of the commencement of the commercial operation of the project, the applicant shall provide to the County an estimate of the projected cost of removing the turbines and other equipment from the site as determined by an independent engineer mutually agreeable to the applicant and County ("Gross Decommissioning Cost").

- iii. Based on this determination, the applicant shall post and maintain decommissioning funds in an amount equal to the gross cost of decommissioning. If the County is responsible for decommissioning then the County shall retain any salvage value.
 - iv. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be mutually acceptable to the applicant and the County.
16. Compliance with Other Regulations: Large wind energy systems and utility wind energy systems shall comply with all applicable local, state and federal regulations.
17. Application Requirements:
- (a) All potential applicants for a large wind energy system or utility wind energy system shall consult with County staff at least thirty (30) days prior to submitting an application. During this consultation, the applicant shall present information to the County staff regarding the proposed project, its objectives and its potential site and viewshed impacts including potential direct and indirect impacts to a national or state forest, national or state park unit, wildlife management area, or known historic or cultural resource site within five (5) miles of the proposed project. The staff shall provide the potential applicant with information on County policies and standards for large wind energy systems and utility wind energy systems.
 - (b) In addition to the application requirements contained in Section 30-19-2 of this ordinance, all applications for a large wind energy system or utility wind energy system shall provide the following at the time of the application:
 - i. A detailed concept plan with project location maps that show the location and clearing limits of all components of the large wind energy system or utility wind energy system. Project components

include, but are not limited to: roads, power lines and other project infrastructure; collector, distribution and transmission lines; temporary or permanent storage lay down areas; substations; and any structures associated with the project.

- ii. A description and analysis of existing site conditions, including information on topography, archaeological and historic resources, natural water courses, floodplains, unique natural features, tree cover areas, etc.
- iii. Accurate, to scale, photographic simulations showing the relationship of the large wind energy system or utility wind energy system and its associated facilities and development (i.e. substation, appurtenances, disturbed areas, etc.) to its surroundings. The photographic simulations shall show such views of wind energy structures from locations such as property lines and roadways, as deemed necessary by the County in order to assess the visual impact of the large wind energy system or utility wind energy system. The total number of simulations and the perspectives from which they are prepared shall be established by the County staff at the pre-submission consultation required in section 17 (a) above. County staff will work with all national or state forest, national park or state park unit, wildlife management area, or known historic or cultural resource site within five (5) miles of the proposed project to establish which possible observation points and visual simulations will be necessary to represent the most sensitive views from which the project will be visible.
- iv. Sound study providing an assessment of pre-construction and post-construction conditions. Additionally, the applicant shall provide documentation regarding noise complaint response procedures and protocol for post-construction monitoring.
- v. A phasing schedule for the construction of the large wind energy system or utility wind energy system, including staging areas, off-site storage facilities and transportation routes.
- vi. Written verification that all required submittals to the Federal Aviation Administration (FAA) have been submitted, including a copy of the completed FAA Form 7460-1 and all attachments. A copy of the FAA's written determination of whether the proposed

large wind energy system or utility wind energy system would create a Hazard to Air Navigation shall be submitted.

- vii. A summary of the wind data gathered for the proposed large wind energy system or utility wind energy system. The dates and periods of the collection of the wind data shall also be submitted. The applicant shall provide access to the wind data for County staff or its consultant(s), as needed.
 - viii. The County shall provide written notification to the office of a national or state forest, national or state park unit, wildlife management area, or known historic or cultural resource site, if a proposed wind energy system is within five (5) miles of the boundary of said entity.
 - ix. Information (including modeling) regarding the impacts from shadowing and shadow flicker for the proposed large wind energy system or utility wind energy system during different times of the year (seasonal) and different times of the day.
 - x. Additional information as deemed necessary by County staff.
- (c) The applicant shall be responsible for all fees associated with the filing of the application including the cost of any independent analysis deemed necessary by the county to verify the information submitted for the large wind energy system or utility wind energy system.
 - (d) The applicant shall conduct public information meeting(s) to discuss its development plans and obtain community feedback.
 - (e) The applicant shall provide the County with a property value protection plan.

On motion of Supervisor Moore to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Church
NAYS: None
ABSENT: Supervisor Elswick

Chairman Church commented this has been an arduous journey and the Board now feels that there is something on the “books” that will address any petition that will come forward, without such ordinance the County was in jeopardy.

IN RE: CITIZENS’ COMMENTS AND COMMUNICATIONS

The following citizens spoke:

Brian Lang of 6752 Quail Place in Roanoke, Virginia and just wanted to thank the Board for passing what sounds like very reasonable zoning for commercial wind farms. He stated he is sure that this has not been an easy process for the Board and there is no way the Board can make everybody happy, but feels has struck a good balance of compromise and will go forward pretty well with this zoning.

Mark Hanson of 184 Vista Lane in Fincastle, Virginia and works in Roanoke County across from Poor Mountain and is with REEVA, Renewable Electrical Energy Vehicle Association which is a community service organization and thanked the board for working hard on this ordinance, it looks like a good one. He advised he had taught wind power at Dabney Lancaster and the students are graduating in December and would like to stay in the area and this will be good to help move forward on wind power.

Noah Tickle of 1603 Frosty Lane in Salem, Virginia stated he has been a resident of Roanoke County for fifty six years and a landowner and taxpayer since 1965. Previously, he had requested that our County be removed from ICLEI, The International Council for Local Environmental Initiatives. He requests now also. This is a non-governmental organization (an NGO as they say) which is an out-growth of The United Nations Agenda 21. It means that at our local level, we will have extreme top down federal and state government controlling our lives. Local governance, like our Board of Supervisors are near powerless against an already out of control federal and state government. Agenda 21’s ICLEI has almost invaded every city and town in our nation; more than six hundred (600) American cities are paying dues to ICLEI to set up plans and policies that will lead to control our lives... Urban development areas are one of these mandates from state governments that local governments have been dealing with. It all means locking away land, resources, high prices, sacrifice and shortages and is based on the age-old socialist scheme of redistribution of wealth. These policies of UN Agenda 21 come in many names, such as sustainable development, smart growth, historic preservation, diversity, open space, heritage areas and comprehensive planning. Also, a new language has invaded our government at all levels, all part of the deception at play. Old words with new meanings fill government policy papers. A typical city-council meeting discusses “community development” and “partnerships” between the city and private business. Civic leaders organize community meetings run by facilitators as they outline a “vision” for the town enforced by “consensus.” No need to debate when you have consensus. Why take it to the people for vote? People of

great importance testify before congressional committees of dire need for “social Justice”, free-trade, consensus, global truth, preservation, stakeholders, land use, environmental protection, critical thinking, community service are all part of our new language. Did I leave any out? Please let us get away from top down governance. Please let us all empower local governance as was dreamed of by our founders. Please let us take one big step for our constitution and one giant leap for liberty. Please let us all work to rid Roanoke County, Virginia of ICLEI.

Dan Crawford of 2311 Kipling Street, SW in Roanoke, Virginia advised he spent the afternoon touring the Beech Ridge Wind Farm, another of Invenergy’s facilities; they have twenty-nine (29) operating facilities or sites and as you know he is a strong supporter of wind energy. He went today with high expectations and quite frankly they were exceeded. It punctuates what he has to say now. The Board has made some very wise, very import, very positive decisions tonight. This will allow Roanoke County and the area to move forward with a world that is changing. Some of those changes are not only important, but are critical. Roanoke County is now in a position to do what it needs to do to help the world be better. He appreciates it and the hard work that has been done.

Bill Gregory of 3312 Pamlico Drive, Roanoke, Virginia stated from the Roanoke County website the purpose of RCCLEAR does more than just educate us on how to save energy. The County website stated the purpose of RCCLEAR is also “to reduce greenhouse gas emissions.” It does this by regularly monitoring the County’s progress, meeting ICLEI milestones based on a man-made global warming theory. Here is a quick sampling of the County’s website, “Milestone 4, with the assistance of RCCLEAR, implement a broad-based local climate action plan whose purpose is to reduce GHGE to the levels prescribed in the reduction target. Milestone 5, with the assistance of RCCLEAR and all interested stakeholders, monitor the ongoing process of the GHGE reduction measures defined in the local climate action plan.” He stated he would again like to address Roanoke County’s membership in ICLEI. He repeated that he is strongly opposed to our County being involved with this organization, in part because of its indisputable relationship with the United Nations and Agenda 21. ICLEI denies this relationship and that may technically be true. As Thomas Jefferson once said, “an enemy generally says and believes what he wishes.” He stated he had some additional documentation for the Board that proves that this relationship exists. The truth of Jefferson’s comment is glaring when taking a close look at the man-man global warming theory. When the theory was debunked by the scientific community, the UN and ICLEI came up with another term called climate change to pursue the exact same agenda of reducing carbon dioxide emissions. This world-wide program based on the theory of man-man global warming has stakeholders right here in the Roanoke Valley to include the Roanoke Valley Cool Cities Coalition, Sierra Club and our own ICLEI proxy, RCCLEAR. It is a simple thing to look at the web pages on the Roanoke County website and find the term climate change. He stated it was the Board’s job to protect the citizens of this county in every way possible. Having the presence of ICLEI in

county government amounts to having a special-interest group without our government that is unacceptable. He asked the Board to immediately cut the ties with ICLEI.

IN RE: REPORTS AND INQUIRIES OF BOARD MEMBERS

Supervisor Flora stated that earlier tonight this Board sat through a work session with our local legislators involving the issue of devolution which to them means turning over secondary roads, which are subdivisions and non-primary roads to the County to maintain. It is a scary thought. A little history, Counties used to maintain roads up until sometime in the 1930s, when the Byrd act was enacted and the state took over the maintenance of all of the roads. The reason they did was very obvious, you knew from one county to the next because either the roads got better or they got worse. Also, when you look back in history when the State took over maintaining the roads and starting improving the roads out in the rural areas then subdivisions started spreading, suburbia was created and people moved out of the cities and out into the rural areas because they could now get around much better. So, if you do not like urban development areas, you are going to hate devolution. Devolution is going to take us right back to where we were in the early part of this century by going from one county to the other and seeing the difference in the roads. People are going to start moving back into the urban areas, into the cities, closer to the cities and you are going to see the rural areas then again go into what they used to be, very rural. So, if you do not like urban development areas, you are going hate devolution because it is going to make it happen a whole lot faster than UDAs. The second thing is to comment that tonight vote and so many people got this vote on the ordinance confused. As the Board said all night long, it is confused with approving wind farms. That is not the case. This only sets the guidelines. When something comes to the Board, it is going to be treated entirely different because that is when the "rubber meets the road or the windmills meet the air," which case you want to be. He stated he suspects this Board will be looking at the request a lot differently than the ordinance. The ordinance is only a guideline. Reality comes when the Board has a project or application before the Board.

Supervisor Moore stated she would like to add some food for thought to the people who spoke about ICLEI, RCCLEAR tonight. When she was a small child, she used to lie awake at night and listen to whippoorwills and have not seen one in many, many years. Where did they go; and what about honey bees, she used to see hundreds and thousands of them, pollinating our trees or honeysuckle. She very rarely sees one now. What we do today will make a difference tomorrow and some things are not easily explained, but there is one thing that she knows for sure and that is that we need to protect our next generation; it cannot be left up to chance. ICLEI is a resource in which the County can learn. We learn from our experiences and we learn from our mistakes, so why not use a resource from people that have already done research in other counties, states and localities so we can learn from them.

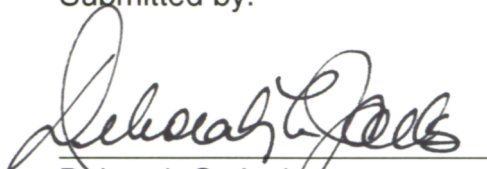
Supervisor Church: Tonight's vote on the wind ordinance is not a stamp

of approval for any particular petition. As of today, the Board has none. When you leave here, we have repeatedly stated, the Board has not by our action tonight approved any petition, for Bent Mountain, Ft. Lewis Mountain, Catawba, it does not matter where. If and when one comes to this Board, that is when the game starts all over again. Tonight's action simply provides protection for the people, for the region, before tonight Roanoke County had a skeletal type of ordinance, three of which dealt with water and sewer. How much water and sewer would you have with a wind system? So the Board did what it had to do to get something on the books. Secondly, he commented on the moving experience on the 9-11 Ceremony. We were able to share in a joint session with Roanoke City, Roanoke County, Salem, and the Town of Vinton. It was held downtown at the market to remember what happened to us as a nation ten (10) years ago. He stated it was special to see everyone come together in such a way that there was not a dry eye there, to know we are America, to know that our flag is not for sale and never will be diminished and we will not ever forget what happened. So, he commented it is times like that when you can look around and see everyone with the same exact expression, same exact meaning in their life, we are all together. He stated he thinks what the board is trying to do this evening; you can never please but so many people, but they are trying their best to work for you the citizens of Roanoke County. Sometimes it takes a disaster like 9-11 to bring our country together, but wanted to congratulate to our Fire Chiefs, the people who put these things together, the State police, the Sheriff's Departments around the area and our Captains in Fire and Rescue. It was a moving event; meant something to be an American to look up and know we are standing proud and we will never give up our freedom.

IN RE: ADJOURNMENT

Chairman Church adjourned the meeting at 8:30 p.m.

Submitted by:



Deborah C. Jacks
Clerk to the Board

Approved by:



Joseph B. "Butch" Church
Chairman



PAGE LEFT BLANK INTENTIONALLY